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MESSAGE.

To the Senate and House of Representatives:

The foreign relations of the United States actually and potentially affect the state of the Union to a degree not widely realized and hardly surpassed by any other factor in the welfare of the whole Nation. The position of the United States in the moral, intellectual, and material relations of the family of nations should be a matter of vital interest to every patriotic citizen. The national prosperity and power impose upon us duties which we can not shirk if we are to be true to our ideals. The tremendous growth of the export trade of the United States has already made that trade a very real factor in the industrial and commercial prosperity of the country. With the development of our industries the foreign commerce of the United States must rapidly become a still more essential factor in its economic welfare. Whether we have a far-seeing and wise diplomacy and are not recklessly plunged into unnecessary wars, and whether our foreign policies are based upon an intelligent grasp of present-day world conditions and a clear view of the potentialities of the future, or are governed by a temporary and timid expediency or by narrow views befitting an infant nation, are questions in the alternative consideration of which must convince any thoughtful citizen that no department of national polity offers greater opportunity for promoting the interests of the whole people on the one hand, or greater chance on the other of permanent national injury, than that which deals with the foreign relations of the United States.

The fundamental foreign policies of the United States should be raised high above the conflict of partisanship and wholly dissociated from differences as to domestic policy. In its foreign affairs the United States should present to the world a united front. The intellectual, financial, and industrial interests of the country and the publicist, the wage earner, the farmer, and citizen of whatever occupation must cooperate in a spirit of high patriotism to promote that national solidarity which is indispensable to national efficiency and to the attainment of national ideals.

The relations of the United States with all foreign powers remain upon a sound basis of peace, harmony, and friendship. A greater insistence upon justice to American citizens or interests wherever it may have been denied and a stronger emphasis of the need of mutuality in commercial and other relations have only served to strengthen our friendships with foreign countries by placing those friendships upon a firm foundation of realities as well as aspirations.

Before briefly reviewing the more important events of the last year in our foreign relations, which it is my duty to do as charged with their conduct and because diplomatic affairs are not of a nature to make it appropriate that the Secretary of State make a formal annual report, I desire to touch upon some of the essentials to the safe management of the foreign relations of the United States and to endeavor, also, to define clearly certain concrete policies which are the logical modern corollaries of the undisputed and traditional fundamentals of the foreign policy of the United States.

REORGANIZATION OF THE DEPARTMENT OF STATE.

At the beginning of the present administration the United States, having fully entered upon its position as a world power, with the responsibilities thrust upon it by the results of the Spanish-American War, and already engaged in laying the groundwork of a vast foreign trade upon which it should one day become more and more dependent, found itself without the machinery for giving thorough attention to, and taking effective action upon, a mass of intricate business vital to American interests in every country in the world.

The Department of State was an archaic and inadequate machine lacking most of the attributes of the foreign office of any great modern power. With an appropriation made upon my recommendation by the Congress on August 5, 1909, the Department of State was completely reorganized. There were created Divisions of Latin-American Affairs and of Far Eastern, Near Eastern, and Western European Affairs. To these divisions were called from the foreign service diplomatic and consular officers possessing experience and knowledge gained by actual service in different parts of the world and thus familiar with political and commercial conditions in the regions concerned. The work was highly specialized. The result is that where previously this Government from time to time would emphasize in its foreign relations one or another policy, now American interests in every quarter of the globe are being cultivated with equal assiduity. This principle of politico-geographical division possesses also the good feature of making possible rotation between the officers of the departmental, the diplomatic, and the consular branches of the foreign service, and thus keeps the whole diplomatic and consular establishments under the Department of State in close touch and equally inspired with the aims and policy of the Government. Through the newly created Division of Information the foreign service is kept fully informed of what transpires from day to day in the international relations of the country, and contemporary foreign comment affecting American interests is promptly brought to the attention of the department. The law offices of the department were greatly strengthened. There were added foreign-trade advisers to cooperate with the diplomatic and consular bureaus and the politico-geographical divisions in the innumerable matters where commercial diplomacy or consular work calls for such special knowledge. The same officers, together with the rest of the new organization, are able at all times to give to American citizens accurate information as to conditions in foreign countries with which they have business and likewise to cooperate more effectively with the Congress and also with the other executive departments.

MERIT SYSTEM IN CONSULAR AND DIPLOMATIC CORPS.

Expert knowledge and professional training must evidently be the essence of this reorganization. Without a trained foreign service there would not be men available for the work in the reorganized Department of State. President Cleveland had taken the first step toward introducing the merit system in the foreign service. That had been followed by the application of the merit principle, with excellent results, to the entire consular branch. Almost nothing, however, had been done in this direction with regard to the Diplomatic Service. In this age of commercial diplomacy it was evidently of the first importance to train an adequate personnel in that branch of the service. Therefore, on November 26, 1909, by an Executive order I placed the Diplomatic Service, up to the grade of secretary of embassy, inclusive, upon exactly the same strict nonpartisan basis of the merit system, rigid examination for appointment and promotion only for efficiency, as had been maintained without exception in the Consular Service.

STATISTICS AS TO MERIT AND NONPARTISAN CHARACTER OF APPOINTMENTS.

How faithful to the merit system and how nonpartisan has been the conduct of the Diplomatic and Consular Services in the last four years may be judged from the following: Three ambassadors now serving held their present rank at the beginning of my administration. Of the ten ambassadors whom I have appointed, five were by promotion from the rank of minister. Nine ministers now serving held their present rank at the beginning of the administration. Of the thirty ministers whom I have appointed, eleven were promoted from the lower grades of the foreign service or from the Department of State. Of the nineteen missions in Latin America, where our relations are close and our interest is great, fifteen chiefs of mission are service men, three having entered the service during this administration. The thirty-seven secretaries of embassy or legation who have received their initial appointments after passing successfully the required examination were chosen for ascertained fitness, without regard to political affiliations. A dearth of candidates from Southern and Western States has alone made it impossible thus far completely to equalize all the States' representations in the foreign service. In the effort to equalize the representation of the various States in the Consular Service I have made sixteen of the twenty-nine new appointments as consul which have occurred during my administration from the Southern States. This is 55 per cent. Every other consular appointment made, including the promotion of eleven young men from the consular assistant and student interpreter corps, has been by promotion or transfer, based solely upon efficiency shown in the service.

In order to assure to the business and other interests of the United States a continuance of the resulting benefits of this reform, I earnestly renew my previous recommendations of legislation making it permanent along some such lines as those of the measure now pending in Congress.

LARGER PROVISION FOR EMBASSIES AND LEGATIONS AND FOR OTHER EXPENSES OF OUR FOREIGN REPRESENTATIVES RECOMMENDED.

In connection with legislation for the amelioration of the foreign service, I wish to invite attention to the advisability of placing the salary appropriations upon a better basis. I believe that the best results would be obtained by a moderate scale of salaries, with adequate funds for the expenses of proper representation, based in each case upon the scale and cost of living at each post, controlled by a system of accounting, and under the general direction of the Department of State.

In line with the object which I have sought of placing our foreign service on a basis of permanency, I have at various times advocated provision by Congress for the acquisition of Government-owned buildings for the residence and offices of our diplomatic officers, so as to place them more nearly on an equality with similar officers of other nations and to do away with the discrimination which otherwise must necessarily be made, in some cases, in favor of men having large private fortunes. The act of Congress which I approved on February 17, 1911, was a right step in this direction. The Secretary of State has already made the limited recommendations permitted by the act for any one year, and it is my hope that the bill introduced in the House of Representatives to carry out these recommendations will be favorably acted on by the Congress during its present session.

In some Latin-American countries the expense of government-owned legations will be less than elsewhere, and it is certainly very urgent that in such countries as some of the Republics of Central America and the Caribbean, where it is peculiarly difficult to rent suitable quarters, the representatives of the United States should be justly and adequately provided with dignified and suitable official residences. Indeed, it is high time that the dignity and power of this great Nation should be fittingly signalized by proper buildings for the occupancy of the Nation's representatives everywhere abroad.

DIPLOMACY A HANDMAID OF COMMERCIAL INTERCOURSE AND PEACE.

The diplomacy of the present administration has sought to respond to modern ideas of commercial intercourse. This policy has been characterized as substituting dollars for bullets. It is one that appeals alike to idealistic humanitarian sentiments, to the dictates of sound policy and strategy, and to legitimate commercial aims. It is an effort frankly directed to the increase of American trade upon the axiomatic principle that the Government of the United States shall extend all proper support to every legitimate and beneficial American enterprise abroad. How great have been the results of this diplomacy, coupled with the maximum and minimum provision of the tariff law, will be seen by some consideration of the wonderful increase in the export trade of the United States. Because modern diplomacy is commercial, there has been a disposition in some quarters to attribute to it none but materialistic aims. How strikingly erroneous is such an impression may be seen from a study of the results by which the diplomacy of the United States can be judged.

SUCCESSFUL EFFORTS IN PROMOTION OF PEACE.

In the field of work toward the ideals of peace this Government negotiated, but to my regret was unable to consummate, two arbitration treaties which set the highest mark of the aspiration of nations toward the substitution of arbitration and reason for war in the settlement of international disputes. Through the efforts of American diplomacy several wars have been prevented or ended. I refer to the successful tripartite mediation of the Argentine Republic, Brazil, and the United States between Peru and Ecuador; the bringing of the boundary dispute between Panama and Costa Rica to peaceful arbitration; the staying of warlike preparations when Haiti and the Dominican Republic were on the verge of hostilities; the stopping of a war in Nicaragua; the halting of internecine strife in Honduras. The Government of the United States was thanked for its influence toward the restoration of amicable relations between the Argentine Republic and Bolivia. The diplomacy of the United States is active in seeking to assuage the remaining ill-feeling between this country and the Republic of Colombia. In the recent civil war in China the United States successfully joined with the other interested powers in urging an early cessation of hostilities. An agreement has been reached between the Governments of Chile and Peru whereby the celebrated Tacna-Arica dispute, which has so long embittered international relations on the west coast of South America, has at last been adjusted. Simultaneously came the news that the boundary dispute between Peru and Ecuador had entered upon a stage of amicable settlement. The position of the United States in reference to the Tacna-Arica dispute between Chile and Peru has been one of nonintervention, but one of friendly influence and pacific counsel throughout the period during which the dispute in question has been the subject of interchange of views between this Government and the two Governments immediately concerned. In the general easing of international tension on the west coast of South America the tripartite mediation, to which I have referred, has been a most potent and beneficent factor.

CHINA.

In China the policy of encouraging financial investment to enable that country to help itself has had the result of giving new life and practical application to the open-door policy. The consistent purpose of the present administration has been to encourage the use of American capital in the development of China by the promotion of those essential reforms to which China is pledged by treaties with the United States and other powers. The hypothecation to foreign bankers in connection with certain industrial enterprises, such as the Hukuang railways, of the national revenues upon which these reforms depended, led the Department of State early in the administration to demand for American citizens participation in such enterprises, in order that the United States might have equal rights and an equal voice in all questions pertaining to the disposition of the public revenues concerned. The same policy of promoting international accord among the powers having similar treaty rights as ourselves in the matters of reform, which could not be put into practical effect without the common consent of all, was likewise adopted in the case of the loan desired by China for the reform of its currency. The principle of international cooperation in matters of common interest upon which our policy had already been based in all of the above instances has admittedly been a great factor in that concert of the powers which has been so happily conspicuous during the perilous period of transition through which the great Chinese nation has been passing.

CENTRAL AMERICA NEEDS OUR HELP IN DEBT ADJUSTMENT.

In Central America the aim has been to help such countries as Nicaragua and Honduras to help themselves. They are the immediate beneficiaries. The national benefit to the United States is twofold. First, it is obvious that the Monroe doctrine is more vital in the neighborhood of the Panama Canal and the zone of the Caribbean than anywhere else. There, too, the maintenance of that doctrine falls most heavily upon the United States. It is therefore essential that the countries within that sphere shall be removed from the jeopardy involved by heavy foreign debt and chaotic national finances and from the ever-present danger of international complications due to disorder at home. Hence the United States has been glad to encourage and support American bankers who were willing to lend a helping hand to the financial rehabilitation of such countries because this financial rehabilitation and the protection of their customhouses from being the prey of would-be dictators would remove at one stroke the menace of foreign creditors and the menace of revolutionary disorder.

The second advantage to the United States is one affecting chiefly all the southern and Gulf ports and the business and industry of the South. The Republics of Central America and the Caribbean possess great natural wealth. They need only a measure of stability and the means of financial regeneration to enter upon an era of peace and prosperity, bringing profit and happiness to themselves and at the same time creating conditions sure to lead to a flourishing interchange of trade with this country.

I wish to call your especial attention to the recent occurrences in Nicaragua, for I believe the terrible events recorded there during the revolution of the past summer—the useless loss of life, the devastation of property, the bombardment of defenseless cities, the killing and wounding of women and children, the torturing of noncombatants to exact contributions, and the suffering of thousands of human beings—might have been averted had the Department of State, through approval of the loan convention by the Senate, been permitted to carry out its now well-developed policy of encouraging the extending of financial aid to weak Central American States with the primary objects of avoiding just such revolutions by assisting those Republics to rehabilitate their finances, to establish their currency on a stable basis, to remove the customhouses from the danger of revolutions by arranging for their secure administration, and to establish reliable banks.

During this last revolution in Nicaragua, the Government of that Republic having admitted its inability to protect American life and property against acts of sheer lawlessness on the part of the malcontents, and having requested this Government to assume that office, it became necessary to land over 2,000 marines and bluejackets in Nicaragua. Owing to their presence the constituted Government of Nicaragua was free to devote its attention wholly to its internal troubles, and was thus enabled to stamp out the rebellion in a short space of time. When the Red Cross supplies sent to Granada had been exhausted, 8,000 persons having been given food in one day upon the arrival of the American forces, our men supplied other unfortunate, needy Nicaraguans from their own haversacks. I wish to congratulate the officers and men of the United States Navy and Marine Corps who took part in reestablishing order in Nicaragua upon their splendid conduct, and to record with sorrow the death of seven American marines and bluejackets. Since the reestablishment of peace and order, elections have been held amid conditions of quiet and tranquillity. Nearly all the American marines have now been withdrawn. The country should soon be on the road to recovery. The only apparent danger now threatening Nicaragua arises from the shortage of funds. Although American bankers have already rendered assistance, they may naturally be loath to advance a loan adequate to set the country upon its feet without the support of some such convention as that of June, 1911, upon which the Senate has not yet acted.

ENFORCEMENT OF NEUTRALITY LAWS.

In the general effort to contribute to the enjoyment of peace by those Republics which are near neighbors of the United States, the administration has enforced the so-called neutrality statutes with a new vigor, and those statutes were greatly strengthened in restricting the exportation of arms and munitions by the joint resolution of last March. It is still a regrettable fact that certain American ports are made the rendezvous of professional revolutionists and others engaged in intrigue against the peace of those Republics. It must be admitted that occasionally a revolution in this region is justified as a real popular movement to throw off the shackles of a vicious and tyrannical government. Such was the Nicaraguan revolution against the Zelaya régime. A nation enjoying our liberal institutions can not escape sympathy with a true popular movement, and one so well justified. In very many cases, however, revolutions in the Republics in question have no basis in principle, but are due merely to the machinations of conscienceless and ambitious men, and have no effect but to bring new suffering and fresh burdens to an already oppressed people. The question whether the use of American ports as *foci* of revolutionary intrigue can be best dealt with by a further amendment to the neutrality statutes or whether it would be safer to deal with special cases by special laws is one worthy of the careful consideration of the Congress.

VISIT OF SECRETARY KNOX TO CENTRAL AMERICA AND THE CARIBBEAN.

Impressed with the particular importance of the relations between the United States and the Republics of Central America and the Caribbean region, which of necessity must become still more intimate by reason of the mutual advantages which will be presented by the opening of the Panama Canal, I directed the Secretary of State last February to visit these Republics for the purpose of giving evidence of the sincere friendship and good will which the Government and people of the United States bear toward them. Ten Republics were visited. Everywhere he was received with a cordiality of welcome and a generosity of hospitality such as to impress me deeply and to merit our warmest thanks. The appreciation of the Governments and peoples of the countries visited, which has been appropriately shown in various ways, leaves me no doubt that his visit will conduce to that closer union and better understanding between the United States and those Republics which I have had it much at heart to promote.

OUR MEXICAN POLICY.

For two years revolution and counter-revolution have distraught the neighboring Republic of Mexico. Brigandage has involved a great deal of depredation upon foreign interests. There have constantly recurred questions of extreme delicacy. On several occasions very difficult situations have arisen on our frontier. Throughout this trying period, the policy of the United States has been one of patient nonintervention, steadfast recognition of constituted authority in the neighboring nation, and the exertion of every effort to care for American interests. I profoundly hope that the Mexican nation may soon resume the path of order, prosperity, and progress. To that nation in its sore troubles, the sympathetic friendship of the United States has been demonstrated to a high degree. There were in Mexico at the beginning of the revolution some thirty or forty thousand American citizens engaged in enterprises contributing greatly to the prosperity of that Republic and also benefiting the important trade between the two countries. The investment of American capital in Mexico has been estimated at $1,000,000,000. The responsibility of endeavoring to safeguard those interests and the dangers inseparable from propinquity to so turbulent a situation have been great, but I am happy to have been able to adhere to the policy above outlined—a policy which I hope may be soon justified by the complete success of the Mexican people in regaining the blessings of peace and good order.

AGRICULTURAL CREDITS.

A most important work, accomplished in the past year by the American diplomatic officers in Europe, is the investigation of the agricultural credit system in the European countries. Both as a means to afford relief to the consumers of this country through a more thorough development of agricultural resources and as a means of more sufficiently maintaining the agricultural population, the project to establish credit facilities for the farmers is a concern of vital importance to this Nation. No evidence of prosperity among well-established farmers should blind us to the fact that lack of capital is preventing a development of the Nation's agricultural resources and an adequate increase of the land under cultivation; that agricultural production is fast falling behind the increase in population; and that, in fact, although these well-established farmers are maintained in increasing prosperity because of the natural increase in population, we are not developing the industry of agriculture. We are not breeding in proportionate numbers a race of independent and independence-loving landowners, for a lack of which no growth of cities can compensate. Our farmers have been our mainstay in times of crisis, and in future it must still largely be upon their stability and common sense that this democracy must rely to conserve its principles of self-government.

The need of capital which American farmers feel to-day had been experienced by the farmers of Europe, with their centuries-old farms, many years ago. The problem had been successfully solved in the Old World and it was evident that the farmers of this country might profit by a study of their systems. I therefore ordered, through the Department of State, an investigation to be made by the diplomatic officers in Europe, and I have laid the results of this investigation before the governors of the various States with the hope that they will be used to advantage in their forthcoming meeting.

INCREASE OF FOREIGN TRADE.

In my last annual message I said that the fiscal year ended June 30, 1911, was noteworthy as marking the highest record of exports of American products to foreign countries. The fiscal year 1912 shows that this rate of advance has been maintained, the total domestic exports having a valuation approximately of $2,200,000,000, as compared with a fraction over $2,000,000,000 the previous year. It is also significant that manufactured and partly manufactured articles continue to be the chief commodities forming the volume of our augmented exports, the demands of our own people for consumption requiring that an increasing proportion of our abundant agricultural products be kept at home. In the fiscal year 1911 the exports of articles in the various stages of manufacture, not including foodstuffs partly or wholly manufactured, amounted approximately to $907,500,000. In the fiscal year 1912 the total was nearly $1,022,000,000, a gain of $114,000,000.

ADVANTAGE OF MAXIMUM AND MINIMUM TARIFF PROVISION.

The importance which our manufactures have assumed in the commerce of the world in competition with the manufactures of other countries again draws attention to the duty of this Government to use its utmost endeavors to secure impartial treatment for American products in all markets. Healthy commercial rivalry in international intercourse is best assured by the possession of proper means for protecting and promoting our foreign trade. It is natural that competitive countries should view with some concern this steady expansion of our commerce. If in some instances the measure taken by them to meet it are not entirely equitable, a remedy should be found. In former messages I have described the negotiations of the Department of State with foreign Governments for the adjustment of the maximum and minimum tariff as provided in section 2 of the tariff law of 1909. The advantages secured by the adjustment of our trade relations under this law have continued during the last year, and some additional cases of discriminatory treatment of which we had reason to complain have been removed. The Department of

State has for the first time in the history of this country obtained substantial most-favored-nation treatment from all the countries of the world. There are, however, other instances which, while apparently not constituting undue discrimination in the sense of section 2, are nevertheless exceptions to the complete equity of tariff treatment for American products that the Department of State consistently has sought to obtain for American commerce abroad.

NECESSITY FOR SUPPLEMENTARY LEGISLATION.

These developments confirm the opinon conveyed to you in my annual message of 1911, that while the maximum and minimum provision of the tariff law of 1909 has been fully justified by the success achieved in removing previously existing undue discriminations against American products, yet experience has shown that this feature of the law should be amended in such way as to provide a fully effective means of meeting the varying degrees of discriminatory treatment of American commerce in foreign countries still encountered, as well as to protect against injurious treatment on the part of foreign Governments, through either legislative or administrative measures, the financial interests abroad of American citizens whose enterprises enlarge the market for American commodities.

I can not too strongly recommend to the Congress the passage of some such enabling measure as the bill which was recommended by the Secretary of State in his letter of December 13, 1911. The object of the proposed legislation is, in brief, to enable the Executive to apply, as the case may require, to any or all commodities, whether or not on the free list from a country which discriminates against the United States, a graduated scale of duties up to the maximum of 25 per cent *ad valorem* provided in the present law. Flat tariffs are out of date. Nations no longer accord equal tariff treatment to all other nations irrespective of the treatment from them received. Such a flexible power at the command of the Executive would serve to moderate any unfavorable tendencies on the part of those countries from which the importations into the United States are substantially confined to articles on the free list as well as of the countries which find a lucrative market in the United States for their products under existing customs rates. It is very necessary that the American Government should be equipped with weapons of negotiation adapted to modern economic conditions, in order that we may at all times be in a position to gain not only technically just but actually equitable treatment for our trade, and also for American enterprise and vested interests abroad.

BUSINESS SECURED TO OUR COUNTRY BY DIRECT OFFICIAL EFFORT.

As illustrating the commercial benefits to the Nation derived from the new diplomacy and its effectiveness upon the material as well as the more ideal side, it may be remarked that through direct official efforts alone there have been obtained in the course of this administration, contracts from foreign Governments involving an expenditure of $50,000,000 in the factories of the United States. Consideration of this fact and some reflection upon the necessary effects of a scientific tariff system and a foreign service alert and equipped to cooperate with the business men of America carry the conviction that the gratifying increase in the export trade of this country is, in substantial amount, due to our improved governmental methods of protecting and stimulating it. It is germane to these observations to remark that in the two years that have elapsed since the successful negotiation of our new treaty with Japan, which at the time seemed to present so many practical difficulties, our export trade to that country has increased at the rate of over $1,000,000 a month. Our exports to Japan for the year ended June 30, 1910, were $21,959,310, while for the year ended June 30, 1912, the exports were $53,478,046, a net increase in the sale of American products of nearly 150 per cent.

SPECIAL CLAIMS ARBITRATION WITH GREAT BRITAIN.

Under the special agreement entered into between the United States and Great Britain on August 18, 1910, for the arbitration of outstanding pecuniary claims, a schedule of claims and the terms of submission have been agreed upon by the two Governments, and together with the special agreement were approved by the Senate on July 19, 1911, but in accordance with the terms of the agreement they did not go into effect until confirmed by the two Governments by an exchange of notes, which was done on April 26 last. Negotiations are still in progress for a supplemental schedule of claims to be submitted to arbitration under this agreement, and meanwhile the necessary preparations for the arbitration of the claims included in the first schedule have been undertaken and are being carried on under the authority of an appropriation made for that purpose at the last session of Congress. It is anticipated that the two Governments will be prepared to call upon the arbitration tribunal, established under this agreement, to meet at Washington early next year to proceed with this arbitration.

FUR SEAL TREATY AND NEED FOR AMENDMENT OF OUR STATUTE.

The act adopted at the last session of Congress to give effect to the fur-seal convention of July 7, 1911, between Great Britain, Japan, Russia, and the United States provided for the suspension of all land killing of seals on the Pribilof Islands for a period of five years, and an objection has now been presented to this provision by the other parties in interest, which raises the issue as to whether or not this prohibition of land killing is inconsistent with the spirit, if not the letter, of the treaty stipulation. The justification for establishing this close season depends, under the terms of the convention, upon how far, if at all, it is necessary for protecting and preserving the American fur-seal herd and for increasing its number. This is a question requiring examination of the present condition of the herd and the treatment which it needs in the light of actual experience and scientific investigation. A careful examination of the subject is now being made, and this Government will soon be in possession of a considerable amount of new information about the American seal herd, which has been secured during the past season and will be of great value in determining this question; and if it should appear that there is any uncertainty as to the real necessity for imposing a close season at this time I shall take an early opportunity to address a special message to Congress on this subject, in the belief that this Government should yield on this point rather than give the slightest ground for the charge that we have been in any way remiss in observing our treaty obligations.

FINAL SETTLEMENT OF NORTH ATLANTIC FISHERIES DISPUTE.

On the 20th of July last an agreement was concluded between the United States and Great Britain adopting, with certain modifications, the rules and method of procedure recommended in the award rendered by the North Atlantic Coast Fisheries Arbitration Tribunal on September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions arising with reference to the exercise of the American fishing liberties under Article I of the treaty of October 20, 1818, between the United States and Great Britain. This agreement received the approval of the Senate on August 1 and was formally ratified by the two Governments on November 15 last. The rules and a method of procedure embodied in the award provided for determining by an impartial tribunal the reasonableness of any new fishery regulations on the treaty coasts of Newfoundland and Canada before such regulations could be enforced against American fishermen exercising their treaty liberties on those coasts, and also for determining the delimitation of bays on such coasts more than 10 miles wide, in accordance with the definition adopted by the tribunal of the meaning of the word "bays" as used in the treaty. In the subsequent negotiations between the two Governments, undertaken for the purpose of giving practical effect to these rules and methods of procedure, it was found that certain modifications therein were desirable from the point of view of both Governments, and these negotiations have finally resulted in the agreement above mentioned by which the award recommendations as modified by mutual consent of the two Governments are finally adopted and made effective, thus bringing this century-old controversy to a final conclusion, which is equally beneficial and satisfactory to both Governments.

IMPERIAL VALLEY AND MEXICO.

In order to make possible the more effective performance of the work necessary for the confinement in their present channel of the waters of the lower Colorado River, and thus to protect the people of the Imperial Valley, as well as in order to reach with the Government of Mexico an understanding regarding the distribution of the waters of the Colorado River, in which both Governments are much interested, negotiations are going forward with a view to the establishment of a preliminary Colorado River commission, which shall have the powers necessary to enable it to do the needful work and with authority to study the question of the equitable distribution of the waters. There is every reason to believe that an understanding upon this point will be reached and that an agreement will be signed in the near future.

CHAMIZAL DISPUTE.

In the interest of the people and city of El Paso this Government has been assiduous in its efforts to bring to an early settlement the long-standing Chamizal dispute with Mexico. Much has been accomplished, and while the final solution of the dispute is not immediate, the favorable attitude lately assumed by the Mexican Government encourages the hope that this troublesome question will be satisfactorily and definitely settled at an early day.

INTERNATIONAL COMMISSION OF JURISTS.

In pursuance of the convention of August 23, 1906, signed at the Third Pan American Conference, held at Rio de Janeiro, the International Commission of Jurists met at that capital during the month of last June. At this meeting 16 American Republics were represented, including the United States, and comprehensive plans for the future work of the commission were adopted. At the next meeting fixed for June, 1914, committees already appointed are instructed to report regarding topics assigned to them.

OPIUM CONFERENCE—UNFORTUNATE FAILURE OF OUR GOVERNMENT TO ENACT RECOMMENDED LEGISLATION.

In my message on foreign relations communicated to the two Houses of Congress December 7, 1911, I called especial attention to the assembling of the Opium Conference at The Hague, to the fact that that conference was to review all pertinent municipal laws relating to the opium and allied evils, and certainly all international rules regarding these evils, and to the fact that it seemed to me most essential that the Congress should take immediate action on the antinarcotic legislation before the Congress, to which I had previously called attention by a special message.

The international convention adopted by the conference conforms almost entirely to the principles contained in the proposed antinarcotic legislation which has been before the last two Congresses. It was most unfortunate that this Government, having taken the initiative in the international action which eventuated in the important international opium convention, failed to do its share in the great work by neglecting to pass the necessary legislation to correct the deplorable narcotic evil in the United States as well as to redeem international pledges upon which it entered by virtue of the abovementioned convention. The Congress at its present session should enact into law those bills now before it which have been so carefully drawn up in collaboration btween the Department of State and the other executive departments, and which have behind them not only the moral sentiment of the country, but the practical support of all the legitimate trade interests likely to be affected. Since the international convention was signed, adherence to it has been made by several European States not represented at the conference at The Hague and also by seventeen Latin-American Republics.

EUROPE AND THE NEAR EAST.

The war between Italy and Turkey came to a close in October last by the signature of a treaty of peace, subsequently to which the

Ottoman Empire renounced sovereignty over Cyrenaica and Tripolitania in favor of Italy. During the past year the Near East has unfortunately been the theater of constant hostilities. Almost simultaneously with the conclusion of peace between Italy and Turkey and their arrival at an adjustment of the complex questions at issue between them, war broke out between Turkey on the one hand and Bulgaria, Greece, Montenegro, and Servia on the other. The United States has happily been involved neither directly nor indirectly with the causes or questions incident to any of these hostilities and has maintained in regard to them an attitude of absolute neutrality and of complete political disinterestedness. In the second war in which the Ottoman Empire has been engaged the loss of life and the consequent distress on both sides have been appalling, and the United States has found occasion, in the interest of humanity, to carry out the charitable desires of the American people, to extend a measure of relief to the sufferers on either side through the impartial medium of the Red Cross. Beyond this the chief care of the Government of the United States has been to make due provision for the protection of its nationals resident in belligerent territory. In the exercise of my duty in this matter I have dispatched to Turkish waters a special-service squadron, consisting of two armored cruisers, in order that this Government may if need be bear its part in such measures as it may be necessary for the interested nations to adopt for the safeguarding of foreign lives and property in the Ottoman Empire in the event that a dangerous situation should develop. In the meanwhile the several interested European powers have promised to extend to American citizens the benefit of such precautionary or protective measures as they might adopt, in the same manner in which it has been the practice of this Government to extend its protection to all foreigners resident in those countries of the Western Hemisphere in which it has from time to time been the task of the United States to act in the interest of peace and good order. The early appearance of a large fleet of European warships in the Bosphorus apparently assured the protection of foreigners in that quarter, where the presence of the American *stationnaire* the U. S. S. *Scorpion* sufficed, under the circumstances, to represent the United States. Our cruisers were thus left free to act if need be along the Mediterranean coasts should any unexpected contingency arise affecting the numerous American interests in the neighborhood of Smyrna and Beirut.

SPITZBERGEN.

The great preponderance of American material interests in the subarctic island of Spitzbergen, which has always been regarded politically as "no man's land," impels this Government to a continued and lively interest in the international dispositions to be made for the political governance and administration of that region. The conflict of certain claims of American citizens and others is in a fair way to adjustment, while the settlement of matters of administration, whether by international conference of the interested powers or otherwise, continues to be the subject of exchange of views between the Governments concerned.

LIBERIA.

As a result of the effort of this Government to place the Government of Liberia in position to pay its outstanding indebtedness and to maintain a stable and efficient government, negotiations for a loan of $1,700,000 have been successfully concluded, and it is anticipated that the payment of the old loan and the issuance of the bonds of the 1912 loan for the rehabilitation of the finances of Liberia will follow at an early date, when the new receivership will go into active operation. The new receivership will consist of a general receiver of customs designated by the Government of the United States and three receivers of customs designated by the Governments of Germany, France, and Great Britain, which countries have commercial interests in the Republic of Liberia.

In carrying out the understanding between the Government of Liberia and that of the United States, and in fulfilling the terms of the agreement between the former Government and the American bankers, three competent ex-army officers are now effectively employed by the Liberian Government in reorganizing the police force of the Republic, not only to keep in order the native tribes in the hinterland but to serve as a necessary police force along the frontier. It is hoped that these measures will assure not only the continued existence but the prosperity and welfare of the Republic of Liberia. Liberia possesses fertility of soil and natural resources, which should insure to its people a reasonable prosperity. It was the duty of the United States to assist the Republic of Liberia in accordance with our historical interest and moral guardianship of a community founded by American citizens, as it was also the duty of the American Government to attempt to assure permanence to a country of much sentimental and perhaps future real interest to a large body of our citizens.

MOROCCC.

The legation at Tangier is now in charge of our consul general, who is acting as chargé d'affaires, as well as caring for our commercial interests in that country. In view of the fact that many of the foreign powers are now represented by chargés d'affaires it has not been deemed necessary to appoint at the present time a minister to fill a vacancy occurring in that post.

THE FAR EAST.

The political disturbances in China in the autumn and winter of 1911–12 resulted in the abdication of the Manchu rulers on February 12, followed by the formation of a provisional republican government empowered to conduct the affairs of the nation until a permanent government might be regularly established. The natural sympathy of the American people with the assumption of republican principles by the Chinese people was appropriately expressed in a concurrent resolution of Congress on April 17, 1912. A constituent assembly, composed of representatives duly chosen by the people of China in the elections that are now being held, has been called to meet in January next to adopt a permanent constitution and organize the Government of the nascent Republic. During the formative constitutional stage and pending definitive action by the assembly, as expressive of the popular will, and the hoped-for establishment of a stable republican form of government, capable of fulfilling its international obligations, the United States is, according to precedent, maintaining full and friendly de facto relations with the provisional Government.

The new condition of affairs thus created has presented many serious and complicated problems, both of internal rehabilitation and of international relations, whose solution it was realized would necessarily require much time and patience. From the beginning of the upheaval last autumn it was felt by the United States, in common with the other powers having large interests in China, that independent action by the foreign Governments in their own individual interests would add further confusion to a situation already complicated. A policy of international cooperation was accordingly adopted in an understanding, reached early in the disturbances, to act together for the protection of the lives and property of foreigners if menaced, to maintain an attitude of strict impartiality as between the contending factions, and to abstain from any endeavor to influence the Chinese in their organization of a new form of government. In view of the seriousness of the disturbances and their general character, the American minister at Peking was instructed at his discretion to advise our nationals in the affected districts to concentrate at such centers as were easily accessible to foreign troops or men of war. Nineteen of our naval vessels were stationed at various Chinese ports, and other measures were promptly taken for the adequate protection of American interests.

It was further mutually agreed, in the hope of hastening an end to hostilities, that none of the interested powers would approve the making of loans by its nationals to either side. As soon, however, as a united provisional Government of China was assured, the United States joined in a favorable consideration of that Government's request for advances needed for immediate administrative necessities and later for a loan to effect a permanent national reorganization. The interested Governments had already, by common consent, adopted, in respect to the purposes, expenditure, and security of any loans to China made by their nationals, certain conditions which were held to be essential, not only to secure reasonable protection for the foreign investors, but also to safeguard and strengthen China's credit by discouraging indiscriminate borrowing and by insuring the application of the funds toward the establishment of the stable and effective government necessary to China's welfare. In June last representative banking groups of the United States, France, Germany, Great Britain, Japan, and Russia formulated, with the general sanction of their respective Governments, the guaranties that would be expected in relation to the expenditure and security of the large reorganization loan desired by China, which, however, have thus far proved unacceptable to the provisional Government.

SPECIAL MISSION OF CONDOLENCE TO JAPAN.

In August last I accredited the Secretary of State as special ambassador to Japan, charged with the mission of bearing to the imperial family, the Government, and the people of that Empire the sympathetic message of the American Commonwealth on the sad occasion of the death of His Majesty the Emperor Mutsuhito, whose long and benevolent reign was the greater part of Japan's modern history. The kindly reception everywhere accorded to Secretary Knox showed that his mission was deeply appreciated by the Japanese nation and emphasized strongly the friendly relations that have for so many years existed between the two peoples.

SOUTH AMERICA.

Our relations with the Argentine Republic are most friendly and cordial. So, also, are our relations with Brazil, whose Government has accepted the invitation of the United States to send two army officers to study at the Coast Artillery School at Fort Monroe. The long-standing Alsop claim, which had been the only hindrance to the healthy growth of the most friendly relations between the United States and Chile, having been eliminated through the submission of the question to His Britannic Majesty King George V as "amiable compositeur," it is a cause of much gratification to me that our relations with Chile are now established upon a firm basis of growing friendship. The Chilean Government has placed an officer of the United States Coast Artillery in charge of the Chilean Coast Artillery School, and has shown appreciation of American methods by confiding to an American firm important work for the Chilean coast defenses.

Last year a revolution against the established Government of Ecuador broke out at the principal port of that Republic. Previous to this occurrence the chief American interest in Ecuador, represented by the Guayaquil & Quito Railway Co., incorporated in the United States, had rendered extensive transportation and other services on account to the Ecuadorian Government, the amount of which ran into a sum which was steadily increasing and which the Ecuadorian Government had made no provision to pay, thereby threatening to crush out the very existence of this American enterprise. When tranquillity had been restored to Ecuador as a result of the triumphant progress of the Government forces from Quito, this Government interposed its good offices to the end that the American interests in Ecuador might be saved from complete extinction. As a part of the arrangement which was reached between the parties, and at the request of the Government of Ecuador, I have consented to name an arbitrator, who, acting under the terms of the railroad contract, with an arbitrator named by the Ecuadorian Government, will pass upon the claims that have arisen since the arrangement reached through the action of a similar arbitral tribunal in 1908.

In pursuance of a request made some time ago by the Ecuadorian Government, the Department of State has given much attention to the problem of the proper sanitation of Guayaquil. As a result a detail of officers of the Canal Zone will be sent to Guayaquil to recommend measures that will lead to the complete permanent sanitation of this plague and fever infected region of that Republic, which has for so long constituted a menace to health conditions on the Canal Zone. It is hoped that the report which this mission will furnish will point out a way whereby the modicum of assistance which the United States may properly lend the Ecuadorian Government may be made effective in ridding the west coast of South America of a focus of contagion to the future commercial current passing through the Panama Canal.

In the matter of the claim of John Celestine Landreau against the Government of Peru, which claim arises out of certain contracts and transactions in connection with the discovery and exploitation of guano, and which has been under discussion between the two Goverments since 1874, I am glad to report that as the result of prolonged negotiations, which have been characterized by the utmost friendliness and good will on both sides, the Department of State has succeeded in securing the consent of Peru to the arbitration of the claim, and that the negotiations attending the drafting and signature of a protocol submitting the claim to an arbitral tribunal are proceeding with due celerity.

An officer of the American Public Health Service and an American sanitary engineer are now on the way to Iquitos, in the employ of the Peruvian Government, to take charge of the sanitation of that river port. Peru is building a number of submarines in this country, and continues to show every desire to have American capital invested in the Republic.

In July the United States sent undergraduate delegates to the Third International Students Congress held at Lima, American students having been for the first time invited to one of these meetings.

The Republic of Uruguay has shown its appreciation of American agricultural and other methods by sending a large commission to this country and by employing many American experts to assist in building up agricultural and allied industries in Uruguay.

Venezuela is paying off the last of the claims the settlement of which was provided for by the Washington protocols, including those of American citizens. Our relations with Venezuela are most cordial, and the trade of that Republic with the United States is now greater than with any other country.

CENTRAL AMERICA AND THE CARIBBEAN.

During the past summer the revolution against the administration which followed the assassination of President Cáceres a year ago last November brought the Dominican Republic to the verge of administrative chaos, without offering any guaranties of eventual stability in the ultimate success of either party. In pursuance of the treaty relations of the United States with the Dominican Republic, which were threatened by the necessity of suspending the operation under American administration of the customhouses on the Haitian frontier, it was found necessary to dispatch special commissioners to the island to reestablish the customhouses and with a guard sufficient to insure needed protection to the customs administration. The efforts which have been made appear to have resulted in the restoration of normal conditions throughout the Republic. The good offices which the commissioners were able to exercise were instrumental in bringing the contending parties together and in furnishing a basis of adjustment which it is hoped will result in permanent benefit to the Dominican people.

Mindful of its treaty relations, and owing to the position of the Government of the United States as mediator between the Dominican Republic and Haiti in their boundary dispute, and because of the further fact that the revolutionary activities on the Haitian-Dominican frontier had become so active as practically to obliterate the line of demarcation that had been heretofore recognized pending the definitive settlement of the boundary in controversy, it was found necessary to indicate to the two island Governments a provisional *de facto* boundary line. This was done without prejudice to the rights or obligations of either country in a final settlement to be reached by arbitration. The tentative line chosen was one which, under the circumstances brought to the knowledge of this Government, seemed to conform to the best interests of the disputants. The border patrol which it had been found necessary to reestablish for customs purposes between the two countries was instructed provisionally to observe this line.

The Republic of Cuba last May was in the throes of a lawless uprising that for a time threatened the destruction of a great deal of valuable property—much of it owned by Americans and other foreigners—as well as the existence of the Government itself. The armed forces of Cuba being inadequate to guard property from attack and at the same time properly to operate against the rebels, a force of American marines was dispatched from our naval station at Guantánamo into the Province of Oriente for the protection of American and other foreign life and property. The Cuban Government was thus able to use all its forces in putting down the outbreak, which it succeeded in doing in a period of six weeks. The presence of two American warships in the harbor of Habana during the most critical period of this disturbance contributed in great measure to allay the fears of the inhabitants, including a large foreign colony.

There has been under discussion with the Government of Cuba for some time the question of the release by this Government of its leasehold rights at Bahia Honda, on the northern coast of Cuba, and the enlargement, in exchange therefor, of the naval station which has been established at Guantanamo Bay, on the south. As the result of the negotiations then carried on an agreement has been reached between the two Governments providing for the suitable enlargement of the Guantanamo Bay station upon terms which are entirely fair and equitable to all parties concerned.

At the request alike of the Government and both political parties in Panama, an American commission undertook supervision of the recent presidential election in that Republic, where our treaty relations, and, indeed, every geographical consideration, make the maintenance of order and satisfactory conditions of peculiar interest to the Government of the United States. The elections passed without disorder, and the new administration has entered upon its functions.

The Government of Great Britain has asked the support of the United States for the protection of the interests of British holders of the foreign bonded debt of Guatemala. While this Government is hopeful of an arrangement equitable to the British bondholders, it is naturally unable to view the question apart from its relation to the broad subject of financial stability in Central America, in which the policy of the United States does not permit it to escape a vital interest. Through a renewal of negotiations between the Government of Guatemala and American bankers, the aim of which is a loan for the rehabilitation of Guatemalan finances, a way appears to be open by which the Government of Guatemala could promptly satisfy any equitable and just British claims, and at the same time so improve its whole financial position as to contribute greatly to the increased prosperity of the Republic and to redound to the benefit of foreign investments and foreign trade with that country. Failing such an arrangement, it may become impossible for the Government of the United States to escape its obligations in connection with such measures as may become necessary to exact justice to legitimate foreign claims.

In the recent revolution in Nicaragua, which, it was generally admitted, might well have resulted in a general Central American conflict but for the intervention of the United States, the Government of Honduras was especially menaced; but fortunately peaceful conditions were maintained within the borders of that Republic. The financial condition of that country remains unchanged, no means having been found for the final adjustment of pressing outstanding foreign claims. This makes it the more regrettable that the financial convention between the United States and Honduras has thus far failed of ratification. The Government of the United States continues to hold itself ready to cooperate with the Government of Honduras, which, it is believed, can not much longer delay the meeting of its foreign obligations, and it is hoped at the proper time American bankers will be willing to cooperate for this purpose.

NECESSITY FOR GREATER GOVERNMENTAL EFFORT IN RETENTION AND EXPANSION OF OUR FOREIGN TRADE.

It is not possible to make to the Congress a communication upon the present foreign relations of the United States so detailed as to convey an adequate impression of the enormous increase in the importance and activities of those relations. If this Government is really to preserve to the American people that free opportunity in foreign markets which will soon be indispensable to our prosperity, even greater efforts must be made. Otherwise the American merchant, manufacturer, and exporter will find many a field in which American trade should logically predominate preempted through the more energetic efforts of other governments and other commercial nations.

There are many ways in which through hearty cooperation the legislative and executive branches of this Government can do much. The absolute essential is the spirit of united effort and singleness of purpose. I will allude only to a very few specific examples of action which ought then to result. America can not take its proper place in the most important fields for its commercial activity and enterprise unless we have a merchant marine. American commerce and enterprise can not be effectively fostered in those fields unless we have good American banks in the countries referred to. We need American newspapers in those countries and proper means for public information about them. We need to assure the permanency of a trained foreign service. We need legislation enabling the members of the foreign service to be systematically brought in direct contact with the industrial, manufacturing, and exporting interests of this country in order that American business men may enter the foreign field with a clear perception of the exact conditions to be dealt with and the officers themselves may prosecute their work with a clear idea of what American industrial and manufacturing interests require.

CONCLUSION.

Congress should fully realize the conditions which obtain in the world as we find ourselves at the threshold of our middle age as a Nation. We have emerged full grown as a peer in the great concourse of nations. We have passed through various formative periods. We have been self-centered in the struggle to develop our domestic resources and deal with our domestic questions. The Nation is now too mature to continue in its foreign relations those temporary expedients natural to a people to whom domestic affairs are the sole concern. In the past our diplomacy has often consisted, in normal times, in a mere assertion of the right to international existence. We are now in a larger relation with broader rights of our own and obligations to others than ourselves. A number of great guiding principles were laid down early in the history of this Government. The recent task of our diplomacy has been to adjust those principles to the conditions of to-day, to develop their corollaries, to find practical applications of the old principles expanded to meet new situations. Thus are being evolved bases upon which can rest the superstructure of policies which must grow with the destined progress of this Nation. The successful conduct of our foreign relations demands a broad and a modern view. We can not meet new questions nor build for the future if we confine ourselves to outworn dogmas of the past and to the perspective appropriate at our emergence from colonial times and conditions. The opening of the Panama Canal will mark a new era in our international life and create new and world-wide conditions which, with their vast correlations and consequences, will obtain for hundreds of years to come. We must not wait for events to overtake us unawares. With continuity of purpose we must deal with the problems of our external relations by a diplomacy modern, resourceful, magnanimous, and fittingly expressive of the high ideals of a great nation.

WM. H. TAFT.

THE WHITE HOUSE,
December 3, 1912.

LIST OF PAPERS, WITH SUBJECTS OF CORRESPONDENCE.

No.	From and to whom.	Date.	Subject.	Page.
	Circular	1912. Jan. 3	Interchange of professors and students among the universities of American States. An appropriation for the above has been made by the Carnegie Endowment for International Peace. Incloses a report outlining a plan for the exchange.	2
	Do	Feb. 5	Invitation to the Panama-Pacific International Exposition, to be held at San Francisco, Cal., in 1915. Incloses a proclamation by the President, extending an invitation to all nations.	4
	Do	May 7	Territorial integrity of American States. Incloses a memorandum addressed to the President by the Colombian Minister in London advocating a Pan American Union, and quotes an extract of an address by the Secretary of State to the National Assembly of Nicaragua on Mar. 6, 1912.	1
	Do	Oct. 31	Death of Vice President James S. Sherman. Announces.	5

ARGENTINA.

	Mr. Naón to Mr. Knox	1912. Jan. 29	Apprehension of fugitives from justice of foreign countries. Incloses description of one Oscar Pio Romero and requests his apprehension.	6
21	Mr. Knox to Mr. Naón	Feb. 7	Same subject. Inquiries as to the whereabouts of the above-named man will be made, but, under the system of jurisprudence in the United States, no effective aid can be rendered in the apprehension of fugitives from justice of foreign countries.	6

AUSTRIA-HUNGARY.

		1912. Oct. 15	Copyright Convention between the United States and Hungary. Text.	7

BELGIUM.

10	Mr. Knox to Mr. Anderson	1912. Jan. 24	Removal of discrimination against American lubricating oils. The Department desires that the subject be pressed and that a settlement be reached for the admission of American products to competition on terms of equality.	9
12	Mr. Wilson to Mr. Anderson	Feb 16	Same subject. Incloses a letter from the Texas Oil Co. complaining of specific discrimination in the adjudication for "black oil" for investigation and report.	10
29	Mr. Anderson to Mr. Knox	Mar. 8	Same subject. Incloses copy of his note to the Foreign Office and reports interviews with officers of that office who gave assurances that the Belgian Government was earnestly seeking a satisfactory solution of the question.	11
36	Same to same	Apr. 1	Same subject. Incloses correspondence with the Foreign Office. From a series of tests it was deduced that Russian oils gave better results than American, but new experiments are to be made to decide this question.	13
44	Same to same	Apr. 25	Same subject. States that the restrictions against American oils has been removed.	15
48	Same to same	May 23	Same subject. Incloses a note from the Minister of Railways, Posts, and Telegraphs, advising him of the removal of discrimination against American oils on the Belgian railways.	15

BELGIUM—Continued.

No.	From and to whom.	Date.	Subject.	Page.
55	Same to same	1912. June 28	Same subject. Reports that future specifications relative to the adjudication of oils for the Administration of Marine will not contain conditions excluding American oils.	16
59	Same to same	July 26	Same subject. The last instance of discrimination against American oils has been removed by the Ministry of Colonies.	16
32	Mr. Wilson to Mr. Anderson.	Aug. 15	Same subject. The Department appreciates the removal of the discrimination against American oils.	17

BRAZIL.

No.	From and to whom.	Date.	Subject.	Page.
		1912. May 3	Message of the President. Extracts relating to the United States quoted.	18
	Mr. Moore and Mr. Van Dyne to Mr. Knox.	Dec. 31	International Commission of Jurists. Report of the proceedings of.	18

CHILE.

No.	From and to whom.	Date.	Subject.	Page.
2	Mr. Mujica to Mr. Knox	1912. Feb. 8	Permission of Congress to a United States Army officer to accept service under a foreign Government. The Chilean Government desires to engage an American Coast Artillery officer as instructor of the Chilean army.	44
8	Mr. Wilson to Mr. Mujica	Feb. 12	Same subject. Above matter has been brought to the attention of the Secretary of War.	44
15	Same to same	May 14	Same subject. Incloses a joint resolution by Congress authorizing Capt. J. W. Gulick, C. A. C., U. S. Army, to accept service under the Chilean Government.	44
70	Mr. Mujica to Mr. Knox	May 17	Same subject. Acknowledges above with thanks	45

CHINA.

No.	From and to whom.	Date.	Subject.	Page.
	Summary		Loan negotiations. Hukuang Railway loan. Summary.	87
			Same subject. Currency reform and industrial development loans. Preamble.	88
	Mr. Wilson to Mr. Chang Yin Tang.	1910. June 13	Same subject. Approves of his contemplated memorial to his Government recommending a new currency system upon a gold exchange basis.	89
	Mr. Calhoun to Mr. Knox (telegram).	Sept. 22	Same subject. The Chinese Government asks whether American bankers would be willing to undertake a loan of about 50,000,000 taels for the elaboration of the currency reform.	89
	Mr. Knox to Mr. Calhoun (telegram).	Sept. 29	Same subject. The Morgan syndicate will undertake the loan.	90
	Mr. Calhoun to Mr. Knox (telegram).	Oct. 2	Same subject. The Chinese Government desires to negotiate the entire loan in the United States. The request that a financial expert be sent to China to conduct the negotiations is repeated.	90 90
	Mr. Adee to Mr. Calhoun (telegram).	Oct. 6	Same subject. The American group is ready to discuss the details of the agreement and the guaranties and will send an experienced financier to Peking to conduct the negotiations.	91
	Mr. Calhoun to Mr. Knox (telegram).	Oct. 27	Same subject. The preliminary currency-loan agreement was signed to-day; the Imperial edict and the confirmation will come in a few days.	91
	Mr. Adee to Mr. Herrick (telegram).	Oct. 31	Same subject. The Chinese Government has signed and ratified a preliminary agreement with an American financial group for a currency reform loan of $50,000,000. This Government will welcome the cordial support of the interested powers.	91
		1911. Jan. 11	Opium conference. Message of the President relating to.	182
	Mr. Knox to Mr. Liang	Jan. 18	Loan negotiations. Incloses for his information notes on the loan negotiations now pending at Peking.	92

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	The Department of State to the British Embassy.	1911. Feb. 24	Same subject. If any objection should be expressed by the tripartite Governments as to the selection of an American for the post of financial adviser, this Government is disposed to consult with the interested Governments and appoint an adviser of a nonparticipating nationality.	94
230	Mr. Calhoun to Mr. Knox...	Apr. 27	Same subject. Incloses copy of the loan agreement signed at Peking on the 15th inst.	95
	Mr. Knox to Mr. O'Brien (telegram).	May 11	Same subject. If Japan should apply for participation on an equal footing with others not now parties to the London agreement, the Department will be prepared to support such application.	96
	Mr. O'Brien to Mr. Knox (telegram).	May 13	Same subject. The Japanese Foreign Office inquires whether participation, if granted, would place Japan in a position superior to an ordinary bondholder.	96
	Mr. Rockhill to Mr. Knox (telegram).	...do.....	Same subject. The Russian and Japanese Governments are exchanging views on the currency loan to China.	96
	Mr. Calhoun to Mr. Knox (telegram).	May 18	Same subject. The French are reported to be holding back advances for Manchuria because of Russian pressure.	97
	Mr. Knox to Mr. Reid (telegram).	May 22	Same subject. The Department is unable to see any reasonable objection to Manchuria allotment for specific industrial purposes.	97
	Mr. Reid to Mr. Knox (telegram).	May 24	Same subject. The French delay was due to consideration for some Russian apprehension about their recognized interests in Manchuria.	97
	Mr. Knox to Mr. O'Brien (telegram).	...do.....	Same subject. As the currency reform in which all the leading powers are alike interested the United States has steadily favored the widest possible international participation.	97
	Mr. Reid to Mr. Knox (telegram).	May 31	Same subject. If a list of proposed industrial enterprises in Manchuria, not all relating to railroads, the Foreign Office expects no further objection from Japan and Russia.	98
249	Mr. Calhoun to Mr. Knox...	...do.....	Arrangement between the United States and France for the protection of literary and artistic property in China. Submits a proposition of the French Minister.	175
	Mr. Knox to Mr. Reid (telegram).	June 1	Loan negotiations. Japan and Russia may have copies of loan agreement and lists specifying Manchurian enterprises.	98
253	Mr. Calhoun to Mr. Knox...	June 5	Political affairs in China. Reports renewed and widespread discontent among the Chinese toward their Manchu rulers.	46
	Mr. Heintzleman to Mr. Knox (telegram).	June 27	Loan negotiations. Reports that the Russian and Japanese Governments have protested against the sixteenth article of the loan agreement.	98
	Mr. Bacon to Mr. Knox (telegram).	June 28	Same subject. The French Foreign Office confirmed protest of Japan and Russia against article 16. It is preparing a memorandum recommending entire suppression of that article.	99
	The Japanese Government to the French Government.	July 11	Same subject. Protest against the provisions contained in article 16.	99
373	Prince Koudacheff to Mr. Knox.	...do.....	Same subject. Protest of Russia against article 16..	100
298	Mr. Heintzleman to Mr. Knox.	July 25	International plan for the defense of foreign settlements. Incloses a memorandum from the British legation suggesting precautionary measures at certain Yangtze River ports in case of uprisings.	161
	Mr. Williams to Mr. Knox (telegram).	Sept. 3	Political affairs in China. Reports disorders in Szechwan and Hunan caused by opposition of railway construction by foreigners.	47
	Same to same (telegram)....	Sept. 7	Same subject. Situation in Szechwan is worse. Troops are suspected of sympathy with malcontents.	48
	Same to same (telegram)....	Sept. 10	Same subject. Reports fighting at Chengtu........	48
	Same to same (telegram)....	Sept. 14	Same subject. Fighting continues in Chengtu. All Americans and British were directed to leave for a place of safety.	48
	Same to same (telegram)....	Sept. 15	Same subject. The Cabinet has proposed Yuan Shih Kai for Canton Viceroy.	48
173	Mr. Wilson to Mr. Heintzleman.	Sept. 27	Defense of International settlements. The American Commander in chief of the United States Asiatic fleet has been instructed to confer with the British naval authorities and the American consular officers.	162
175	Mr. Adee to Mr. Calhoun....	Sept. 29	Arrangement between the United States and France for the protection of literary and artistic property in China. Instructs to endeavor to conclude such arrangement, based upon the treaty between the United States and Japan signed May 19, 1908.	176

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1911.		
	Mr. Williams to Mr. Knox (telegram).	Oct. 11	Political disturbances in China. Reports Wuchang in possession of mutineers.	48
	Same to same (telegram)....	Oct. 12	Same subject. The rebellion is most serious; 15,000 men of the army have joined the revolution. Foreign interests are respected.	48
	Same to same (telegram)...	Oct. 13	Same subject. Hangkow reported in flames; Americans safely out of Hanyang and Wuchang.	49
	Mr. Wilder to Mr. Knox (telegram).	...do.....	Same subject. Reports Hankow situation as serious.	49
	Mr. Williams to Mr. Knox (telegram).	Oct. 14	Same subject. Yuan Shih Kai gazetted viceroy of Hupeh and Hunan.	49
	Same to same (telegram)....	...do.....	Same subject. Foreign consuls at Hankow have been informed by the commander of the revolutionary army that foreign persons and property will be protected, existing treaties will continue in force, but foreign powers assisting Imperial Government will be considered enemies.	49
	Circular (telegram)..........	...do.....	Defense of international settlements. Instructs to ascertain the views of the powers as to the advisability of advising their nationals to concentrate at open ports in case danger threatens.	162
	Mr. Williams to Mr. Knox (telegram).	Oct. 15	Political affairs. It is reported that Japan has a fleet ready to sail for China.	49
	Mr. Schuyler to Mr. Knox (telegram).	...do.....	Same subject. Japan will not act in putting down rebellion unless urged by the powers. If rebellion becomes serious in Manchuria, Japan and Russia will at once send sufficient force to suppress it.	50
	The Chinese National Association to Mr. Knox (telegram).	Oct. 16	Same subject. Requests good offices of the United States to preserve neutrality of the powers toward China.	50
	Mr. Bacon to Mr. Knox (telegram).	...do.....	Defense of international settlements. French Government does not consider present conditions warrant action proposed.	163
	Mr. Wheeler to Mr. Knox (telegram).	...do.....	Same subject. The Russian Government is of the opinion that concentration of foreigners at accessible ports is desirable.	163
	Mr. Schuyler to Mr. Knox (telegram).	...do.....	Same subject. The Japanese Government suggests that several light-draft gunboats be sent to the Yangtze and cooperate with the Japanese force there.	163
	Mr. Leishman to Mr. Knox (telegram).	Oct. 17	Same subject. The German Government is inclined to share the views of the American Government, but such advice should be given without public proclamation.	164
	Mr. Williams to Mr. Knox (telegram).	...do.....	Same subject. The rebellion not being antiforeign there seems to be no need for removal of Americans, except from Hankow.	164
	Mr. Adee to Messrs. Brent, Wright, and Finger.	Oct. 18	Opium conference. Instructions to delegates........	188
	Mr. Wilson to Mr. Knox (telegram).	Oct. 19	Defense of international settlements. The Italian Government will consult other powers before taking action.	164
882	Mr. Reid to Mr. Knox (telegram).	Oct. 20	Same subject. The British Government is of the opinion that the circumstances do not at present call for the concentration of foreign nationals.	164
	Mr. Schuyler to Mr. Knox (telegram).	Oct. 22	Political disturbances. Foreign office anxious that America recognize that Japan is sincere and aboveboard in her Chinese policy.	51
	Mr. Yong Kwung Tat et al. to Mr. Knox (telegram).	Oct. 24	Same subject. Resolutions of a mass meeting of 5,000 Chinese residents in Honolulu protesting against any action on the part of outside powers to interfere in the struggle of the Chinese people to establish a representative government.	51
	Mr. Leishman to Mr. Knox (telegram).	...do....	Same subject. The Chinese Minister for Foreign Affairs, now in Berlin, asks that the United States will urge joint action by the powers to prevent selfish action on the part of any one of them.	51
	Mr. Wilson to Mr. Knox (telegram).	Oct. 25	Defense of international settlements. The Italian Government is not inclined to take any measures in China at present.	165
	Mr. Guild to Mr. Knox (telegram).	Oct. 26	Same subject. The Russian Government deems it inexpedient to interfere.	165
352	Mr. Williams to Mr. Knox..	...do.....	Same subject. Both parties to the conflict seem to be anxious to protect foreigners, and it would be safer for Americans in distant places to remain where they are known than to undertake the long journey to the coast.	165
			Political disturbances. The present Manchu dynasty seems to be on the verge of being overthrown or the Empire being divided.	52

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1911. Oct. 26	Search of foreign merchant vessels by rebel forces for contraband of war. The rebel General Li has informed the consuls that he will confiscate ships carrying contraband. The dean of the diplomatic corps suggests that shipping companies be advised to abstain from carrying munitions of war.	174
	Mr. Knox to Mr. Schuyler (telegram).	Oct. 27	Political disturbances. Instructs to convey to the Japanese Foreign Office the entire confidence of this Government in Japan's policy in China.	52
	Mr. Williams to Mr. Knox (telegram).	Oct. 28	Loan negotiations. An agreement with an Anglo-French-Belgian for a large loan was signed yesterday and it is reported that it was ratified by secret edict.	101
	Mr. Knox to Mr. Williams (telegram).	Nov. 1	Same subject. Instructs to request of the Chinese Government further details of any proposed loan.	101
	Mr. Thompson to Mr. Knox (telegram).	Nov. 7	Asylum at American legations and consulates. Asks whether he can grant asylum to Chinese mandarins.	173
	Mr. Adee to Mr. Thompson (telegram).	...do.....	Same subject. The right of asylum is not claimed by this Government. Temporary refuge may be granted to preserve innocent human life.	174
	Mr. Williams to Mr. Knox (telegram).	Nov. 10	Same subject. The legation has been requested to grant asylum to the Emperor and Empress Dowager.	174
	Mr. Knox to Mr. Williams (telegram).	...do.....	Same subject. Temporary refuge may be granted to preserve innocent human life if the safety of the legation is not endangered thereby.	174
	Mr. Williams to Mr. Knox (telegram).	...do.....	Defense of international settlements. The Japanese and French will take part in protecting the railway to the sea, if foreign protection becomes necessary.	166
	Mr. Knox to Mr. Williams (telegram).	...do.....	Same subject. If it becomes necessary, this Government will participate in the protection of the railway to the sea.	166
	Mr. Calhoun to Mr. Knox (telegram).	Nov. 17	Loan negotiations. The Chinese Government is in great need of money for current expenses. The local representatives of the four groups are willing to make the loan if actively supported by their governments.	101
	Mr. Knox to Mr. Calhoun (telegram).	Nov. 18	Same subject. Except under some general plan of the powers interested to help China the department does not consider it wise to make any loan at present.	102
362	Mr. Calhoun to Mr. Knox...	Nov. 21	Defense of international settlements. Reports that he issued a circular to the consular officers to advise Americans to remove to open ports.	166
363	Same to same...............	Nov. 22	Political disturbances. Reports interview with a delegation from the National Assembly.	53
	Same to same (telegram)....	Nov. 25	Defense of international settlements. The diplomatic corps has decided to ask the governments to quietly increase their legation guards to the maximum under the protocol.	167
	The Japanese Embassy to Mr. Knox.	Nov. 27	Same subject. Transmits a telegram from the Japanese Foreign Office advising him that Japan, in conformity with the decision of the diplomatic corps at Peking, will increase its legation guard at Peking and its force at Tientsin.	167
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Political disturbances. The legation has been requested by the Chinese Government to inform the department that the Japanese are actively assisting the revolutionists.	53
	Same to same (telegram)....	Nov. 28	Same subject. The American consul general at Hankow asks permission to join his colleagues to use good offices to obtain an armistice for the revolutionists at Wuchang.	54
	Mr. Knox to Mr. Calhoun (telegram).	...do.....	Same subject. Asks for exact source of information contained in his telegram of Nov. 27, 1911.	54
	Same to same (telegram)....	...do.....	Same subject. Department can not permit consul general to interfere as suggested in telegram of Nov. 28, 1911.	54
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Defense of international settlements. Reports that he is asking the admiral for more marines.	168
	Mr. Knox to Mr. Calhoun (telegram).	...do.....	Same subject. Instructs to keep department informed of the arrival of foreign troops in Peking. This Government will have in constant readiness additional troops to be sent at once if needed.	168
	Mr. Calhoun to Mr. Knox (telegram).	Nov. 29	Same subject. Reports that a three days' armistice has been agreed to at Hankow through the mediation of the British Minister.	168
	Same to same (telegram)....	...do.....	Political disturbances. Information reported Nov. 27, 1911, came from the Viceroy at Mukden and is considered reliable.	54

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Meyer to Mr. Knox.....	1911. Dec. 2	Search of foreign merchant vessels for contraband of war. Transmits a communication from the commander in chief of the Asiatic Fleet inclosing a letter signed Wu Ting Fang, advising consuls that merchant vessels carrying contraband of war will be confiscated. The admiral replied that he will not permit the seizure of any vessels, as the rebels have not been recognized.	175
	Same to same...............	Dec. 4	Same subject. Transmits telegram from Admiral Murdock that the *Nanshan* was fired at from Kiukiang forts.	175
	Mr. Calhoun to Mr. Knox (telegram).	Dec. 6	Loan negotiations. The groups' representatives are telegraphing their principals for authority to advance Yuan 3,000,000 taels. Earnestly advises department to support this loan.	102
	Mr. Knox to Mr. Calhoun (telegram).	Dec. 7	Same subject. Could not Yuan obtain the 3,000,000 taels from native sources? The department has not yet received sufficient evidence to depart from its general position stated in telegram of Nov. 18.	103
	Mr. Knox to Count von Bernstorff.	...do.....	Same subject. States department's position in regard to loans to China, permanent and temporary, and requests views of the German Government.	103
	Mr. Bryan to Mr. Knox (telegram).	...do.....	Political disturbances. The Minister for Foreign Affairs states that if hostilities become aggravated the Japanese Government may consider intervention to be necessary.	55
	Mr. Bryce to Mr. Knox.....	Dec. 8	Loan negotiations. Under the distressing conditions the British Government is inclined not to oppose a loan being granted to the Chinese Government. Requests views of this Government.	103
	Mr. Wilson to Mr. Bryce....	Dec. 11	Same subject. Incloses a copy of department's note to the German Embassy of the 7th instant giving the general views of this Government. The department would not, however, be opposed for its nationals joining others in a small loan to China.	104
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Same subject. The proposed loan to Yuan is to be used not for active military operations but for preserving the status quo during peace negotiations. Adheres to his recommendations of Dec. 6.	104
	Mr. Meyer to Mr. Knox.....	...do.....	Political disturbances. Transmits telegram from the naval attaché at Tokyo stating that an agreement has been reached between the British and Japanese commanding officers to intervene in China.	55
	Mr. Knox to Mr. Calhoun (telegram).	Dec. 12	Loan negotiations. This Government has informed the Governments of Great Britain and Germany that it is not opposed to a small loan to China at this time, provided it be made upon clearly understood principles of neutrality and in connection with some general plan by all interested powers for the protection of common interests.	105
	Mr. Meyer to Mr. Knox.....	...do.....	Search of foreign merchant vessels for contraband of war. Transmits telegram from Admiral Murdock, reporting that Wu Ting Fang has submitted an apology for firing upon the *Nanshan*.	175
	Mr. Wu Ting Fang to Mr. Knox (telegram).	Dec. 13	Loan negotiations. Protests against the proposed loan to the Chinese (Manchu) Government.	106
	Mr. Calhoun to Mr. Knox (telegram).	Dec. 15	Political disturbances. Submits proposed note by the diplomatic corps to the contending factions.	55
	Mr. Knox to Mr. Calhoun (telegram).	...do.....	Same subject. Authorizes him to take action suggested in above telegram.	56
	Same to same (telegram)....	Dec. 16	Loan negotiations. The Chinese chargé d'affaires has been instructed by his Government to negotiate a loan of 2,000,000 pounds sterling in New York and has asked the assistance of the Secretary of State, but has been informed that no assistance can be given.	106
	Mr. Bryce to Mr. Knox.....	Dec. 18	Same subject. Asks the views of the American Government concerning a small loan to Yuan Shih Kai.	106
	Mr. Wilson to Mr. Bryce....	...do.....	Same subject. In view of the conference between the contending factions at Shanghai it is felt that the outcome of the conference should be awaited before taking any further action in regard to the loan.	107
	The Japanese Embassy to Mr. Knox.	...do.....	Political disturbances. Gives views of the Japanese Government on conditions in China and requests the views of the United States.	56
	Mr. Knox to the Japanese Embassy.	Dec. 21	Same subject. The joint note to the two factions in China sent recently by the powers may be considered the first step toward a solution of the trouble, and this Government is inclined to reserve for future consideration what further actions are to be taken.	57

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	The Japanese Embassy to Mr. Knox.	1911. Dec. 21	Same subject. The British and Japanese Governments have decided to lend their good offices to the contending parties in their negotiaitons for a settlement between them.	58
	Mr. Knox to Mr. Reid (telegram).	...do.....	Same subject. Refers to the above memoranda of the Japanese Embassy and requests information as to the nature and scope of the proposed step and its relation to the policy of concerted action.	59
	Mr. Reid to Mr. Knox (telegram).	Dec. 23	Same subject. Quotes a note from the Foreign Office stating that there is no change of policy toward China.	59
	Same to same (telegram)....	Dec. 27	Same subject. Quotes a further note from the Foreign Office stating that the British Government intends to adhere strictly to the policy of concerted action at Peking.	59
	Circular (telegram)..........	...do.....	Loan negotiations. There is entire accord among the Governments of the six powers in the opinion that it is essential to maintain complete unity of action.	107
	Mr. Calhoun to Mr. Knox (telegram).	Dec. 31	Political affairs. Reports that Sun Yat Sen, who was elected Provisional President of the Republic of China by the Nanking Assembly, will leave tomorrow to be inaugurated.	60
	Same to same (telegram)....	1912. Jan. 3	Defense of international settlements. Recommends that a regiment be sent to help guard the railway.	168
	Mr. Knox to Mr. Calhoun (telegram).	Jan. 5	Same subject. Instructs to consult with the diplomatic corps as to advisability of sending troops to guard the railway.	169
392	Mr. Calhoun to Mr. Knox...	...do.....	Arrangement between the United States and France for the protection of literary and artistic property. Incloses copies of notes exchanged with the French legation of Dec. 26 and 27, 1911.	177
	Same to same (telegram)....	Jan. 8	Defense of international settlements. The diplomatic corps concurs with my views that a regiment should be sent to guard railway.	169
	Mr. Knox to Mr. Calhoun telegram).	Jan. 9	Same subject. Instructs to inform the Chinese Government and the diplomatic corps that this Government will send 500 troops to help guard the railway.	169
210	Same to same...............	Jan. 16	Political disturbances. Incloses a copy of an instruction to the Consul General at Hankow authorizing him to enter into informal relations with the revolutionary leaders, which will not be considered as a formal recognition.	60
399	Mr. Calhoun to Mr. Knox...	...do.....	Same subject. It is believed that it is only a question of days when the abdication of the Emperor will be announced.	61
	Mr. Wang Chung Hui to Mr. Knox (telegram).	Jan. 17	Same subject. The Minister of Foreign Affairs of the Republic of China requests recognition by the United States.	62
	Mr. Calhoun to Mr. Knox (telegram).	Jan. 19	Same subject. The Imperial Clan accepted the edict of abdication of the emperor and consents to the organization of a republican Government.	62
	Mr. Wang Chung Hui to Mr. Knox (telegram).	...do.....	Same subject. Reiterates request for recognition of the Republic of China.	62
	Mr. Calhoun to Mr. Knox (telegram).	Jan. 20	Same subject. Republican ultimatum demands that Yuan shall not set up a provisional government after the abdication.	63
	....	Jan. 23	Opium conference. Protocol de clôture............	193
	Mr. Knox to Mr. Reid (telegram).	Jan. 24	Loan negotiations. The Embassy at Tokyo reports that a Japanese firm has begun negotiations for loan to a Chinese railway, but is not supported by the Japanese Government. The Department feels that it is appropriate at this time that a lending Government should deter its nationals from making loans on their own account.	108
	Mr. Phillips to Mr. Knox (telegram).	Jan. 31	Same subject. The British Foreign Office intends to inform Japan that it can not absolutely prevent its nationals from making loans. It is ready to use its influence as far as possible to prevent.	180
	Count von Bernstorff to Mr. Knox.	...do.....	Same subject. Requests views of the Government of the United States.	108
	Mr. Knox to Mr. Reid (telegram).	Feb. 1	Same subject. If the Chinese Government should conclude a loan hereafter with the four power groups, this Government would be disposed to admit Japan and Russia thereto.	109
	Mr. Knox to Count von Bernstorff.	Feb. 3	Same subject. Gives Department's views as stated in instruction to Mr. Reid of Jan. 24.	109

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
416	Mr. Calhoun to Mr. Knox...	1912. Feb. 5	Registration of property of foreigners in China. Incloses correspondence with the consulate at Foochow regarding the requirements of the revolutionary authorities there in the matter of registering property of foreigners.	178
	Mr. Knox to Baron Hengelmuller.	Feb. 8	Political affairs. Incloses correspondence with the German Embassy indicating the attitude of the Government of the United States toward China.	63
428	Mr. Calhoun to Mr. Knox...	Feb. 12	Same subject. Reports that the international situation is strained, that much jealousy is manifested by the representatives of the six leading powers and that all of the powers are more or less suspicious of the Americans.	64
427	Same to same...............	Feb. 13	Same subject. Incloses notes from the Chinese Government advising of the abdication of the Emperor and the institution of a republican form of Government.	65
	Mr. Chang Yin Tang to Mr. Knox.	Feb. 14	Same subject. Advises of the abdication of the Emperor and the investment of Yuan Shih Kai with full powers to institute a republican form of Government. Chinese diplomatic and consular officers will continue to discharge their duties without interruption.	66
	Count von Bernstorff to Mr. Knox.	...do.....	Same subject. Expresses satisfaction that the American policy toward China is in full consonance with the German.	66
	Mr. Calhoun to Mr. Knox (telegram).	Feb. 15	Same subject. Reports resignation of Sun and Cabinet.	66
	Same to same (telegram)....	Feb. 16	Same subject. Reports election of Yuan Shih Kai as President by the Nanking Assembly.	66
69	Mr. Bakhméteff to Mr. Knox.	Feb. 17	Same subject. Reports a statement of Russia's views of the situation in China.	67
436	Mr. Calhoun to Mr. Knox...	Feb. 20	Same subject. Reports interview between the Chinese Secretary of the legation and Provisional President Sun Yat Sen in which alleged activity of the Japanese was discussed.	67
	Japanese Embassy to Mr. Wilson.	Feb. 23	Same subject. The Japanese Government suggests that the principle of joint action be extended to the recognition of the new government.	68
	Mr. Bryce to Mr. Wilson....	Feb. 24	Same subject. Asks to be informed of the answer made to above Japanese memorandum.	68
	Mr. Wilson to Mr. Calhoun (telegram).	...do.....	Loan negotiations. The Department considers that any loan to China would be inopportune until a composite provisional government for the whole of China has been firmly established.	109 10
55	Mr. Bryce to Mr. Wilson....	...do.....	Same subject. The British Government has given its consent to a loan of £600,000 to the Nanking Provisional Government upon condition that the loan be approved of the other three powers and that Japan and Russia be invited to participate.	1
	Mr. Wilson to Mr. Herrick (telegram).	Feb. 25	Political affairs. The British, German, Japanese, and Russian Governments concur with the United States that the policy of nonintervention and of common action is the wisest course for the powers to pursue.	69
	Mr. Wilson to the Japanese Embassy.	Feb. 27	Same subject. This Government agrees in principle to the application of concerted action to the recognition of the Republic of China.	65
1130	Mr. Wilson to Mr. Bryce...	...do.....	Loan negotiations. The Government of the United States is in entire accord with the British Government on this subject.	111
	Mr. Leishman to Mr. Knox (telegram).	Feb. 28	Same subject. The German Government has expressed its willingness to have Japan and Russia admitted to the financial group.	111
	Mr. Wilson to Mr. Bryce.....	...do.....	Political affairs. Informs him of above memorandum to the Japanese Embassy.	69
446	Mr. Calhoun to Mr. Knox...	Mar. 1	Same subject. Reports rioting and looting at Peking.	70
	Mr. Wilson to Mr. Calhoun (telegram).	Mar. 2	Same subject. Quotes text of a joint resolution passed by the House of Representatives congratulating the Chinese people upon the adoption of a republican form of government. This action is not to be confused with recognition of the Republic of China.	71
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Defense of international settlements. Poating-fu was looted and many houses were burned. Looters started for Peking. Diplomatic corps was requested to save Peking. 1,000 troops will be brought from Tientsin. British, French, German, Japanese, and Russian will participate. Have applied to Admiral for 200 men.	170
	Same to same (telegram)....	Mar. 3	Same subject. The 200 American troops have arrived. Serious mutiny at Tientsin.	17

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1912. Mar. 3	Same subject. Reports serious rioting at Peking; a considerable portion of the city was burned; one shell fell in the legation. Hostile forces are approaching Tientsin.	170
	Mr. Wilson to Mr. Calhoun (telegram).	Mar. 4	Same subject. If it becomes necessary, authorizes him to communicate with the Commanding General in the Philippine Islands for additional troops.	171
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Political disturbances. Foreign intervention may become necessary to subdue condition of anarchy.	71
	Same to same (telegram)...	Mar. 6	Defense of international settlements. Reports that he has telegraphed for additional troops.	171
463	Same to same...............	Mar. 8	Political disturbances. Reports further on the rioting and looting. Additional foreign troops were brought to Peking for the protection of the legation quarter.	72
100	Mr. Bakhméteff to Mr. Wilson.	...do.....	Same subject. The Russian Government has assented to the Japanese proposition that recognition of the Republic of China be withheld until adequate guaranties are given for the safeguard of the common interests, but reserves to itself the right to protect its special rights and interests in North Manchuria, Mongolia, and Western China.	74
84	Mr. Chang Yin Tang to Mr. Wilson.	Mar. 9	Same subject. Advises that Yuan Shih Kai will take the oath of office as Provisional President of the Republic of China.	74
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Same subject. Nanking Assembly authorized Yuan to be inaugurated in Peking.	75
	Mr. Wilson to Mr. Guild (telegram).	Mar. 11	Loan negotiations. The financial groups of France, Germany, Great Britain, and the United States have agreed to make an advance to the Provisional Government of China and extend an invitation of participation to Japan and Russia.	111
	Mr. Bryce to Mr. Wilson....	Mar. 12	Same subject. The French and British Governments are in favor of asking an assurance from Yuan Shih Kai not to negotiate a loan which might conflict with the interests of the large loan which is being negotiated by the four groups.	112
	Mr. Guild to Mr. Knox (telegram).	...do.....	Political affairs. Russia expresses doubt as to the ability of China to preserve law and order as a Republic.	75
	Same to same..............	Mar. 13	Same subject. The Russian Government seems to be acting in good faith with the other powers, but is distrustful of the Provisional Government.	75
	Same to same (telegram)....	Mar. 15	Loan negotiations. Quotes aide memoire from the Russian Foreign Office, giving its views as to future loans to China and Russia's participation.	112
	Mr. Calhoun to Mr. Knox (telegram).	Mar. 16	Same subject. Yuan Shih Kai agreed to the conditions for the advance loan, but on the 14th Tong signed a loan with the Belgian-Russian group for £1,000,000 with an option for a loan of £10,000,000.	113
	Mr. Wilson to Mr. Calhoun (telegram).	...do.....	Same subject. Instructs to take the necessary steps to safeguard all legitimate American interests. Reply to his 16th.	114
	Mr. Wilson to Mr. Bryce....	...do.....	Same subject. Submits a form of an assurance to be given by the Chinese Government.	114
	Mr. Bryan to Mr. Knox (telegram).	Mar. 18	Same subject. Japan has accepted the offer of participation in the loan.	114
16	Mr. Wilson to Mr. Bakhméteff.	...do.....	Political affairs. Acknowledges his note of the 8th inst.	75
	Mr. Wilson to Mr. Herrick (telegram).	Mar. 19	Loan negotiations. Transmits the above telegram..	115
	Mr. Wilson to Mr. Calhoun (telegram).	...do.....	Same subject. Instructs to point out to the Chinese Government the bad effect of rushing separate negotiations like the reported Belgian loan pending the present negotiations of the four groups.	115
	Mr. Wilson to Mr. Herrick (telegram).	...do.....	Same subject. The Belgian Minister has been instructed to apply for Belgian participation in the loan. Instructs to ascertain the views of the French Government.	116
	Mr. Reid to Mr. Knox (telegram).	Mar. 21	Same subject. The British Government has instructed its minister at Peking to protest against the reported Belgian loan.	116
484	Mr. Calhoun to Mr. Knox...	...do.....	Same subject. Gives the history of the several advances made to the Chinese Government by the four power groups; incloses correspondence between the groups and President Yuan and the agreements arrived at which were violated by the signing of the Belgian loan, against which action protest will be lodged.	117
	Mr. Reid to Mr. Knox (telegram).	...do.....	Same subject. Belgian participation. The Belgian Minister in London has been answered in almost the same language used in Department's proposed reply to the Belgian Minister in Washington.	121

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Leishman to Mr. Knox (telegram).	1912. Mar. 21	Same subject. The German Minister at Peking has been instructed to protest against the Belgian loan. The German Government is unwilling to further increase the size of the group.	121
	Mr. Bryce to Mr. Wilson....	Mar. 21	Same subject. The British Government has no objection in principle against the admission of Belgium to the group. The British Minister at Peking has been instructed to protest against the Belgian loan.	121
	Same to same..............	Mar. 22	Same subject. The special rights referred to by Japan are considered as arising out of treaties. The British Foreign Office is prepared to discuss the matter of the loan with Russia.	122
495	Mr. Calhoun to Mr. Knox...	Mar. 29	Same subject. Protest was made to Yuan Shih Kai against the Belgian loan, which, it is understood, is an advance of $5,000,000 of an ultimate loan of $50,000,000.	122
	Mr. Wilson to Mr. Calhoun (telegram).	...do.....	Same subject. Instructs to report his opinion as to fiscal agency and proper measures of control of future loans.	123
	Mr. Calhoun to Mr. Knox (telegram).	Mar. 30	Same subject. Approves in principle plan suggested in Department's telegram of Mar. 19.	123
	Mr. Wilson to Mr. Calhoun..	...do.....	Registration of property of foreigners in China. Approves his instruction to the consulate at Foochow that property holding by foreigners is regulated by treaty provision in which matter consuls can take no action.	180
	Mr. Bryce to Mr. Wilson....	Apr 2	Political affairs. The British Government recognizes the right of Russia to take such measures as are deemed necessary to protect her special rights in Manchuria, Mongolia, and Western China.	76
	Mr. Calhoun to Mr. Knox (telegram).	Apr. 4	Same subject. Asks whether visa of section 6 certificates involves recognition of Provisional Government.	76
	Mr. Wilson to Mr. Calhoun..	...do.....	Claims of American citizens against China. Incloses copy of an instruction to the American Consul General at Hankow regarding the manner of treating these claims.	171
	Same to same (telegram)....	Apr. 5	Political affairs. Visa of section 6 certificates by American Consuls does not involve formal recognition.	77
	Same to same (telegram)....	Apr. 8	Loan negotiations. Quotes aide memoire handed to the American Ambassador at St. Petersburg stating that, reserving its special rights, the Russian Government has designated the Russian-Asiatic Bank as its representative of the Russian financial group.	124
513	Mr. Calhoun to Mr. Knox...	Apr. 11	Claims of Americans against China. Reports that the diplomatic corps appointed a commission to formulate a general plan of action concerning claims against China arising out of the recent revolution.	172
	Same to same (telegram)....	Apr. 27	Loan negotiations. The Chinese Government is willing to cancel the provisions of the Belgian contract and resume negotiations with the groups.	124
	Mr. Wilson to Mr. Calhoun (telegram).	Apr. 29	Same subject. The American group has been advised by the Department that advance payments to China should not be unduly delayed while conditions of full control of the large reorganization loan are being discussed.	124
531	Mr. Calhoun to Mr. Knox...	May 2	Political affairs. Gives an account of the opening of the National Council at Peking and a résumé of the President's address.	77
	Count von Bernstorff to Mr. Wilson.	May 5	Same subject. The German Government is inclined to accede to the reservations made by Japan and Russia concerning their special interests. Requests views of the Government of the United States.	78
	Mr Wilson to Mr. Calhoun (telegram).	May 6	Same subject. Asks in what respects the Provisional Government falls short of the requirements of recognition.	78
	Mr. Calhoun to Mr. Knox (telegram).	May 7	Same subject. Although the National Council can not be considered representative recognition would strengthen its hold on the country.	78
538	Same to same..............	...do.....	Loan negotiations. Incloses further correspondence with Chinese Government concerning the negotiations.	125
539	Same to same..............	...do.....	Same subject. Reports details and status of the loan negotiations.	126

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Count von Bernstorff.	1912. May 9	Political affairs. The positions of the Governments of Germany and the United States are quite in harmony with the reservations made by the Japanese and Russian Governments concerning Mongolia and Manchuria.	79
250	Mr. Wilson to Mr. Calhoun..	May 13	Claims against China. Approves common plan of procedure proposed by the diplomatic corps in regard to claims against China.	173
	Memorandum................	May 16	Political affairs. Conversation between the Acting Secretary of State and the Japanese Ambassador in regard to Japanese reservations concerning eastern Inner Mongolia.	79
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Loan negotiations. An advance of 3,000,000 taels will be made to the Chinese Government on the 17th inst.	128
	Mr. Knox to Mr. Herrick (telegram).	May 17	Same subject. It is reported that there has been a failure to reach an agreement with Japan and Russia concerning participation in the loan. Instructs to ascertain the difficulty and attitude of the British Foreign Office.	128
	Same to same (telegram)....	May 18	Same subject. The Government of the United States, favoring the principle of broad internationalization of loans to China, is in favor of admitting Austria and Italy and giving a subsidiary interest to other powers.	129
	Mr. Reid to Mr. Knox (telegram).	May 20	Same subject. Reports causes which led to the suspension of the London conference.	130
551	Mr. Calhoun to Mr. Knox...	May 21	Same subject. Reports satisfactory progress in the negotiations with respect to certain advances of funds to the Provisional Government and incloses draft of the regulations for the supervision of the expenditures.	130
	Mr. Knox to Mr. Herrick (telegram).	May 24	Same subject. Quotes statement of the Department to the American group of the 22d inst., reiterating its attitude expressed May 17.	133
	Mr. Chang Yin-Tang to Mr. Knox.	May 25	Same subject. The negotiation between the four-power group and the Chinese Government has reached a critical stage. Requests good offices to the end that the negotiation may reach a satisfactory conclusion.	133
	Mr. Wilson to Mr. Herrick (telegram).	May 27	Same subject. Asks whether he has anything to report on the subject.	134
	Mr. Chang Yin-Tang to Mr. Knox.	...do.....	Same subject. States difficulties encountered in the negotiations due to the insistance of the four-power group upon terms which have no bearing upon the question of security and mode of repayment.	134
	Mr. Knox to Mr. Chang Yin-Tang.	May 29	Same subject. The Department has exerted its good offices to induce the interested bankers to advance, on terms mutually acceptable, the sums needed by the Chinese Government.	135
	....	May 31	Opium conference. President's message transmitting a communication of the Secretary of State covering the report of the American delegation to the conference.	204
	Mr Herrick to Mr. Knox (telegram).	June 3	Loan negotiations. Quotes memorandum of the French Government concerning the participation of other governments in the loan and the matter of guaranties and control of expenditures.	135
	Mr. Leishman to Mr. Knox (telegram).	June 6	Same subject. The German Government is in accord with the views expressed by the Department.	136
	Mr. Reid to Mr. Knox (telegram).	June 10	Same subject. The British Government will admit the special rights of Russia and Japan in Manchuria and Mongolia, affirming at the same time the principle of the open door.	136
	Mr. Knox to Mr. Reid (telegram).	... do....	Same subject. The insistence of the Japanese and Russian financial agents upon recognition in the bankers' agreement of political rights of Japan and Russia in Mongolia and Manchuria may disrupt the loan negotiations. These political questions should be the subject of an understanding between the Governments concerned.	80
	Mr. Reid to Mr. Knox (telegram).	... do....	Political affairs. The British Government, in admitting special rights of Japan and Russia in Mongolia and Manchuria, will affirm the principle of the open door.	80
	Same to same (telegram)....	June 11	Loan negotiations. Sir Edward Grey thinks it would be a mistake to move about the question of Manchuria before hearing from Japan and Russia.	137
	Mr. Herrick to Mr. Knox (telegram).	June 13	Same subject. Quotes conditions under which the Japanese are ready to sign the six-group agreement.	137

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No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1912. June 14	Same subject. The groups will telegraph to Russia that Japan's proposal will be accepted and she will be admitted to the loan. Definite answer must be received from Russia by the 18th.	137
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Same subject. The Minister of Finance has served demand on the bankers to answer by June 15 whether or not they will advance 19,000,000 taels more during June.	137
	Mr. Knox to Mr. Calhoun (telegram).	...do.....	Same subject. Impress upon the Chinese Government that any hasty action would not be justified by a few days' delay in the next preliminary advance.	138
	Mr. Calhoun to Mr. Knox (telegram).	June 15	Same subject. The President appears unyielding. He states that he must have 6,000,000 taels before Wednesday. It is rumored that Russia has arranged a loan of £10,000,000.	138
	Mr. Knox to Mr. Herrick (telegram).	...do.....	Same subject. If the other Governments concerned accept the proposed agreement this Government also approves.	138
	Mr. Chang Yin-Tang to Mr. Knox.	June 16	Same subject. Copy of a telegram from the Chinese Cabinet and Board of Finance, stating reasons why an advance of 6,000.000 taels is needed before the 19th inst. and directing him to request the good offices of the Department to urge the bankers to make the advance.	139
	....	...do.....	Same subject. Memorandum of conversation between the Chinese Minister and the Secretary of State, in which the Minister was told that the Department had done everything possible to obtain the advance.	139
	Mr. Leishman to Mr. Knox (telegram).	June 17	Political affairs. The German Government is of opinion that only such special rights of Japan and Russia can be recognized as have been acquired by treaty or convention.	80
	Mr. Herrick to Mr. Knox (telegram).	June 18	Loan negotiations. Quotes agreement signed by the Russian group with the other groups and has approved declaration suggested by the Japanese group.	140
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Same subject. The bankers advanced another 3,000.000 taels to-day.	140
	Mr. Herrick to Mr. Knox (telegram).	June 19	Same subject. The Russian Government will approve the agreement signed by the Russian group under certain reservations.	140
	Mr. Knox to Mr. Herrick (telegram).	June 20	Same subject. Approves telegram of the 19th.......	141
	Mr. Herrick to Mr. Knox (telegram).	...do.....	Same subject. The commission has agreed and adjourned.	141
	....	...do.....	Same subject. Draft of telegram of the Interbank London conference giving agreements reached and conditions imposed by the conference.	141
	Mr. Calhoun to Mr. Knox...	June 24	Same subject. The plan submitted by the London Conference was rejected by the Chinese Government.	142
	Mr. Wilson to Mr. Reid (telegram).	June 26	Same subject. Instructs to ascertain the attitude of the Foreign Office toward the negotiations.	142
	Mr. Reid to Mr. Knox (telegram).	June 27	Same subject. Reports attitude of the British Foreign Office toward the large advances now being made to China.	142
	Mr. Leishman to Mr. Knox (telegram).	June 29	Same subject. The German Government will support no further advances unless China accepts the conditions of control.	143
	Mr. Innes to Mr. Knox (telegram).	June 30	Same subject. The British Minister at Peking has been instructed to inform the Chinese Government that the powers would not approve of any loan by their nationals except on conditions stipulated by the groups.	143
	Mr. Calhoun to Mr. Knox (telegram).	July 1	Same subject. The Chinese Government has reduced the amount of the proposed loan to £10,000,000, expecting relaxation of supervision, but this will not be granted.	143
588	Same to same..............	July 2	Same subject. The Chinese will not submit to the terms imposed by the bankers, and a break must soon occur between the banking groups and the Chinese Government. There is violent and widespread opposition against the supervision of expenditures.	144
	Mr. Knox to Mr. Calhoun (telegram).	...do.....	Same subject. The Department concurs with the British Government in its view that loans should not be made to China without adequate provisions for supervision of expenditures	145
	Mr. MacVeagh to Speaker Clark.	...do.....	Opium Conference. Transmits a letter of the Secretary of State, submitting an estimate of appropriation of $25,000 in connection with the international effort to eradicate the opium evil.	222

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Innes to Mr. Knox (telegram).	1912. July 7	Loan negotiations. The French and British Ministers at Peking have been instructed that the best means of obtaining consent of China to conditions imposed is to suspend any advance.	145
	Mr. Lou Tseng Tsiang to Mr. Knox (telegram).	July 7	Political affairs. Announces his appointment as President of the Council of Ministers and expresses hope of early recognition of the Republic.	81
	Mr. Knox to Mr. Calhoun (telegram).	July 9	Same subject. Instructs to convey personal felicitations to Mr. Lou.	81
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Loan negotiations. Upon being informed by the six ministers of the instructions received from their Governments the Chinese Premier and Minister of Finance replied that acceptance of the conditions was impossible.	145
	Mr. Reid to Mr. Knox (telegram).	July 12	Same subject. The Minister for Foreign Affairs does not wish to insist on a plan too onerous for China, and thinks that by imposing proper safeguards on independent loans China may be helped to preserve order.	145
	Mr. Chang Yin Tang to Mr. Knox.	July 15	Same subject. Transmits a statement from his Government to the effect that it would be mutually advantageous for the foreign Governments to withhold their support from the syndicate in its attempt to establish a monopoly.	146
598	Mr. Calhoun to Mr. Knox...	...do.....	Same subject. Reports that the Chinese Government failed to accept the conditions imposed by the six powers.	146
	Mr. Knox to Mr. Herrick (telegram).	July 18	Same subject. It is the opinion of the Department that the interests of the lenders and of China would be best served by the several Governments standing firmly by the representations made on July 9, but China should be at liberty to make other arrangements to meet its requirements.	147
	Circular (telegram)..........	July 20	Political affairs. Recognition of the Republic of China. Instructs to ascertain whether the powers are now willing to grant recognition.	81
603	Mr. Calhoun to Mr. Knox...	...do.....	Adoption of a national flag. Incloses copies of notes from the Foreign Office quoting an Executive order and inclosing designs of the flag.	181
	Mr. Bryan to Mr. Knox (telegram).	July 22	Political affairs. Recognition. The Japanese Foreign Office is giving matter consideration.	82
	Mr. Calhoun to Mr. Knox (telegram).	...do.....	Loan negotiations. Reports that China borrowed 3,000,000 taels from the German firm of Diederichsen & Co.	147
	Mr. Leishman to Mr. Knox (telegram).	July 23	Same subject. The Acting Minister for Foreign Affairs considers complete control imperative in the interests of China as well as the world, and expressed hope that the Government of the United States would remain firm.	148
	Same to same (telegram)....	...do.....	Political affairs. Recognition. The German Foreign Office does not believe this is an opportune time for recognition.	82
	Mr. Calhoun to Mr. Knox (telegram).	July 24	Loan negotiations. The Chinese Government has asked the Baldwin Locomotive Works for a loan of £300,000, it being understood that China will buy locomotives to that amount. The local agent desires to know the attitude of our Government.	148
	Mr. Knox to Mr. Calhoun (telegram).	July 25	Same subject. This Government adheres to the position stated in instruction of July 2. The company must use its own discretion.	148
	Mr. Herrick to Mr. Knox (telegram).	...do.....	Political affairs. Recognition. The French Foreign Office desires to consult other powers before replying.	82
	Mr. Guild to Mr. Knox (telegram).	July 26	Same subject. Recognition. The Russian Acting Minister for Foreign Affairs promised an early reply.	82
	Mr. Grew to Mr. Knox (telegram).	July 27	Same subject. Recognition. The Austro-Hungarian Government does not feel that the time for the recognition of the Republic has arrived.	83
	Mr. Herrick to Mr. Knox (telegram).	July 31	Same subject. Recognition. The French Government can not consider the question at this time.	83
	Mr. Guild to Mr. Knox (telegram).	Aug. 3	Same subject. Recognition. The Russian Government thinks it would be prudent to withhold recognition until the Government of the Republic of China has been definitely established.	83
612	Mr. Calhoun to Mr. Knox...	...do.....	Same subject. Recognition. Reports interviews with several colleagues on this subject. All of them seemed to think the time inopportune.	84
	Mr. Reid to Mr. Knox (telegram).	Aug. 6	Same subject. Recognition. The British Foreign Office will reply shortly.	85
	Same to same (telegram)....	Aug. 10	Same subject. Recognition. The British Government does not believe that recognition would add to the stability of the present administration.	85

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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Calhoun to Mr. Knox (telegram).	1912. Aug. 10	Loan negotiations. It is the opinion of the six ministers that if China notifies any of them of a loan made by one of his nationals, he can take no action because the loan is not based upon the conditions approved by his Government.	149
	Mr. Knox to Mr. Calhoun (telegram).	...do.....	Same subject. Department approves, provided the other ministers receive similar instructions.	149
	Mr. Bryan to Mr. Knox (telegram).	Aug. 15	Political affairs. Recognition. The Japanese Government does not consider the existing Government organized in sufficient conformity with the requirements of international law to merit recognition.	85
	Mr. Calhoum to Mr. Knox (telegram).	Aug. 31	Same subject. Recognition. The British Minister has presented a memorandum to the Chinese Government stating that the British Government can not recognize the Republic of China until the latter Government ceases to interfere in affairs in Tibet.	86
	M. de la Rocca to Mr. Knox..	Sept. 4	Loan negotiations. Advises that the Chinese Government has granted a concession to a German firm providing an advance of 8,000,000 marks to that Government, and that his Government has lodged protest with the German Government for this breach of the financial agreement. Asks support of the American Government.	149
	Mr. Wilson to Mr. Leishman (telegram).	Sept. 11	Same subject. Advises him of the above and instructs that he may cooperate with his colleagues if they are instructed in the same sense by informing the German Government that this Government adheres to the bankers telegram of May 15-June 20.	150
	Mr. Calhoum to Mr. Knox (telegram).	...do.....	Same subject. The Chinese Government is reported to have signed an agreement for a loan of £10,000,000 with British banks.	150
	Mr. Wilson to Mr. Reid (telegram).	...do.....	Same subject. Advises him of above telegram and expresses hope that the British Government will deter its nationals from making loans to China inconsistent with the policy as to which both Governments are in accord.	151
	Mr. Wilson to Mr. Herrick (telegram).	Sept. 17	Same subject. Any suggestion the Chinese Government may see fit to make, and which would include adequate and reasonable terms of supervision, would be carefully and sympathetically considered.	151
	Mr. Reid to Mr. Knox (telegram).	Sept. 19	Same subject. The Foreign Office remains firm in its intention to discourage as far as possible the new British loan.	152
283	Mr. Wilson to Mr. Calhoun..	Sept. 20	Political affairs. Recognition. It is the Department's opinion that it would be more in accordance with established precedents to defer recognition until the present Provisional Government is replaced by a permanent one with constitutional authority.	86
	Mr. Calhoun to Mr. Knox (telegram).	Sept. 25	Loan negotiations. The new London syndicate paid an advance of £500,000 of the proposed loan of £10,000,000 to the Chinese Government, if the loan is floated it will absorb all possible revenue securities and the sextuple group will have no excuse for its continuance.	152
	Mr. Wilson to Mr. Calhoum (telegram).	Sept. 26	Same subject. The Department attaches the highest importance to the broad principle of international cooperation and concerted action. The legation will use every effort to combat anything tending to jeopardize a policy so clearly set forth in previous instructions.	152
	Mr. Reid to Mr. Knox (telegram).	...do.....	Same subject. The British request for the cancellation of the new loan has positively been refused by Yuan Shih Kai.	153
	Mr. Calhoum to Mr. Knox (telegram).	Sept. 27	Same subject. Canton reports that a Los Angeles firm has concluded a loan for $5,000,000 with the Government of the Province. The Assembly has approved.	153
192	Mr. Innes to Mr. Knox......	Sept. 28	Same subject. Owing to the unbending attitude of the groups, whose conditions China declares it can not accept, the Chinese Government has broken off the negotiations. The British Government is of the opinion that a last effort should be made to arrange terms under relaxed conditions.	153
	Mr. Wilson to Mr. Bryce....	Oct. 4	Same subject. States at length the attitude of the Government of the United States toward the loan negotiations.	154
	Mr. Calhoun to Mr. Knox (telegram).	Oct. 5	Same subject. A Belgian company signed a new contract to build a railway in Kansuh, when the contract is ratified the company will pay China 5,000,000 taels.	157

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
645	Same to same	1912. Oct. 22	Same subject. The Chinese are now hostile to and have broken off negotiations with the sextuple group, and the probabilities are that if the deadlock continues, if other concessions like the Belgian are granted and if other loans like the London are made, a dissolution of the groups will result.	157
	Mr. Knox to Mr. Calhoun (telegram).	Oct. 30	Same subject. The Japanese Government has suggested that the representatives of the groups should consult with their ministers to determine what terms are absolutely necessary and practicable for the reorganization loan; this has the approval of the British Government and the British and American groups.	159
217	Mr. Bryce to Mr. Knox	Nov. 2	Same subject. Advises that the powers have concurred in the Japanese proposal and the British, French, and Russian ministers and the groups have been instructed accordingly.	159
	Mr. MacVeagh to Speaker Clark.	Dec. 2	Opium Conference. Transmits letter of the Secretary of State submitting an estimate of appropriation of $25,000 to enable this Government to continue its efforts to mitigate the opium, morphine, and other allied drug evils.	224
	Mr. Wilson to Mr. Calhoun (telegram).	Dec. 24	Indemnity payments. The Chinese Government has requested the postponement for one year of settlement of indemnity payments due from November, 1911, to December, 1912. If the ministers of other powers receive similar instructions this Government is disposed to grant the request.	159
	Mr. Calhoun to Mr. Knox (telegram).	Dec. 28	Same subject. The German, Japanese, and American Ministers are authorized to consent to the postponement; the French conditionally; the Russian refuses; and the British Minister has no instructions.	160
	Same to same (telegram)	Dec. 30	Same subject. The German and Dutch Ministers suggest that consent to extension be given if majority of ministers agree.	160
	Mr. Knox to Mr. Calhoun (telegram).	Dec. 31	Same subject. If a majority of the ministers consent to the extension, it is unlikely that this Government will demand immediate payment.	160

COLOMBIA.

37	Mr. Du Bois to Mr. Knox	1912. Apr. 20	Claim of Gonzalo Ramos Ruiz *v.* The United States. Recommends payment of claim.	225
81	Mr. Harrison to Mr. Knox	July 31	Message of the President. Transmits copies of Presidential message to Congress.	225
	Mr. Wilson to Mr. Du Bois (telegram).	Aug. 28	Claim of Gonzalo Ramos Ruiz *v.* The United States. Instructs him to draw on Secretary of State in settlement of Ruiz claim.	226

COSTA RICA.

	Mr. Calvo to Mr. Wilson	1912. Feb. 14	Visit of the Secretary of State to Costa Rica. Assures him that he will be welcomed by the Government and people of Costa Rica.	229
	Mr. Wilson to Mr. Langhorne.	Feb. 24	Same subject. Informs him of the purpose of Mr. Knox's visit.	230
	Mr. Langhorne to Mr. Wilson	Feb. 26	Same subject. States Costa Rican Government has made elaborate preparation for reception of Mr. Knox.	230
	Same to same	Mar. 7	Same subject. Makes general report of Mr. Knox's visit and incloses clippings, giving the speech of President Jiménez, together with the reply of Mr. Knox.	231M
	....	May 1	Message of President. Extract	227
	President Jiménez to President Taft.	May 20	Visit of the Secretary of State to Costa Rica. Expresses Costa Rica's appreciation of Mr. Knox's visit.	234
	....	June 6	Naturalization Convention between the United States and Costa Rica. Text.	227
	President Taft to President Jiménez.	July 10	Visit of the Secretary of State to Costa Rica. Assures him the Government and people of the United States appreciate the friendly spirit shown toward the United States by the cordial reception of Mr. Knox.	235

CUBA.

No.	From and to whom.	Date.	Subject.	Page.
941	Mr. Jackson to Mr. Knox....	1911. June 19	Raising of the wreck of the U. S. S. *Maine*. In view of the progress made in the work the President of Cuba has issued an order prescribing honors to be paid to the remains of American sailors.	304
347	Mr. Knox to Mr. Jackson....	June 27	Same subject. Instructs to convey to the Government of Cuba the thanks of this Government for the demonstration of its sympathy.	304
1184	Mr. Gibson to Mr. Knox....	Nov. 10	Agitation of Cuban veterans. Reports that various associations of veterans of the wars for independence are carrying on a systematic campaign to force the national and local authoriries to dismiss from the public service all "guerrilleros," Cubans who bore arms for the Spanish cause.	236
1188	Same to same..............	Nov. 13	Same subject: Reports that a bill was introduced in the Senate to amend the civil-service law so as to exclude from public office all persons who fought against Cuban independence.	237
1198	Same to same..............	Nov. 16	Same subject. President Gómez and the leaders of the veterans' associations have agreed to refer the matter to a commission of arbitration.	2
1207	Same to same..............	Nov. 21	Same subject. The Government has complied with the original demands of the veterans by an agreement to suspend all "guerrilleros" who are protected by the civil-service law until they can be dismissed by an amended law.	237
1225	Same to same..............	Dec. 1	Same subject. The bill passed by the Senate to amend the civil-service law is meeting opposition in the House and the situation is becoming more serious.	238
1233	Same to same..............	Dec. 4	Same subject. A bill has been introduced in the House to repeal in its entirety the civil-service law.	238
	Same to same (telegram)....	Dec. 8	Same subject. The veterans now demand the dismissal of "traitors" from the judiciary and elective offices as well as from the civil service.	239
	Same to same (telegram)....	Dec. 14	Same subject. The bill to suspend the civil-service law has been passed by both Houses.	239
1255	Same to same..............	Dec. 16	Same subject. The suspension act as amended and sanctioned by the President not only affects the civil service but the judiciary and military as well. States regulations prescribed to execute the law.	239
	Mr. Beaupré to Mr. Knox (telegram).	1912. Jan. 11	Same subject. The House passed a resolution accusing officers of the Army and Rural Guard of pernicious activity. The newspapers regard the situation as critical.	240
	Same to same (telegram)....	Jan. 15	Same subject. The President issued a decree forbidding officers of the Army and Rural Guard to participate in politics and to attend meetings of Veterans' associations whose leaders are making threatening speeches.	240
	Mr. Knox to Mr. Beaupré (telegram).	Jan. 16	Same subject. Instructs him to inform the President of Cuba that the President of the United States looks to the President and Government of Cuba to prevent a threatened situation which would compel the Government of the United States to consider what measures it must take in pursuance of its relations to Cuba.	240
	Mr. Beaupré to Mr. Knox (telegram).	Jan. 17	Same subject. The President desires to be informed whether the Department means that the new civil-service law amendments must be immediately repealed.	241
	Mr. Knox to Mr. Beaupré (telegram).	...do.....	Same subject. The retroactive measures were not contemplated in Department's telegram of the 16th instant, and the paragraph is too clear to require any interpretation.	241
	Mr. Beaupré to Mr. Knox...	Jan. 20	Same subject. Incloses an agreement arrived at between the President and the Association of Veterans which, it is believed, will settle the trouble.	241
	Same to same (telegram)....	Jan. 23	Enlargement of the United States Naval Station at Guantánamo. The matter is now before the Senate and it is expected that the act will be signed in a few days.	293
71	Same to same..............	Jan. 26	Negro uprising. Reports that Evaristo Estenoz, the leader of the "Independent Colored Party" of Cuba, called at the Legation and stated that it was the intention of the party to send a delegation to Washington to lay their grievances before President Taft.	242
86	Same to same..............	Jan. 30	Arbitration of Cuban insurrectionary claims. Reports that the question is apparently receiving serious attention from the Cuban Government.	273

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
90	Same to same	1912. Jan. 30	Same subject. Reports that he has been approached by the British, French, and German Ministers with the request that he support them in their request for arbitration.	277
95	Same to same	Feb. 2	Naval station at Guantánamo. Incloses a copy of his note to the Foreign Office urging a definite and final decision.	293
101	Same to same	Feb. 7	Same subject. Incloses a copy of a draft convention submitted by the Secretary of State of Cuba.	294
	Mr. Stimson to Mr. Knox	Feb. 10	Raising of the U. S. S. *Maine*. Requests to inform the President of Cuba that one of the turrets of the Maine will be delivered to Cuba for memorial purposes.	305
104	Mr. Beaupré to Mr. Knox	Feb. 12	Arbitration of Cuban claims. Incloses extended correspondence with the Cuban Secretary of State on the question whether Cuba should accede to the demand of the three powers for arbitration.	277
	Mr. Rivero to Mr. Knox	Feb. 15	Visit of Secretary of State Knox to Cuba. Acknowledges receipt of announcement of, and gives assurance that the Secretary will receive a cordial welcome.	297
81	Mr. Wilson to Mr. Beaupré	Feb. 17	Raising of the U. S. S. *Maine*. Instructs to convey the above information to the Government of Cuba.	305
122	Mr. Beaupré to Mr. Knox	Feb. 19	Negro uprising. A committee headed by Evaristo Estenoz, of the Independent Colored Party, called on the President to induce him to use his influence for the repeal of the Morua law, which forbids the organization of negroes into a political party. The request was refused.	243
	Mr. Wilson to Mr. Beaupré	Feb. 22	Raising of the U. S. S. *Maine*. Advises him of the ceremonies to be held in connection with the removal of the *Maine* from the harbor of Habana and its sinking in deep water outside of the harbor.	306
	Mr. Beaupré to Mr. Knox (telegram).	Feb. 26	Same subject. Program of the exercises in Habana.	306
	Mr. Wilson to Mr. Beaupré (telegram).	...do.....	Same subject. General Bixby, Chief of Engineers, will officially receive the remains of the *Maine*.	307
132	Mr. Beaupré to Mr. Knox	Feb. 27	Negro uprising. Estenoz is a troublesome negro agitator, and may in the present unsettled political situation be capable of precipitating trouble of a serious nature.	243
	Mr. Wilson to Mr. Beaupré (telegram).	Mar. 2	Raising of the U. S. S. *Maine*. The Navy Department would prefer to receive the remains taken from the *Maine* on the wharf in Habana.	307
138	Mr. Beaupré to Mr. Knox	Mar. 5	Arbitration of Cuban claims. Incloses a copy of a personal note with inclosure, informing him of the more recent developments of the negotiations with the representatives of the three powers.	281
	Mr. Wilson to Mr. Beaupré (telegram).	Mar. 9	Visit of Secretary Knox to Cuba. Gives personnel of the Secretary's party.	297
	Mr. Beaupré to Mr. Knox (telegram).	Mar. 11	Raising of the U. S. S. *Maine*. The arrangements for the reception of the remains will be modified as requested.	307
165	Same to same	Mar. 20	Same subject. Incloses newspaper comment concerning the wreck of the *Maine* and the honors to the victims.	308
173	Same to same	Mar. 23	Negro uprising. Incloses a copy of a telegram received from the Independent Colored Party, protesting against the action of the Cuban Government in breaking up a meeting at Cruces.	244
182	Same to same	Mar. 27	Raising of the U. S. S. *Maine*. Incloses copy of a note from the Secretary of State of Cuba, expressing gratitude for the presentation of one of the turrets of the *Maine*.	308
	Same to same (telegram)	Apr. 2	Same subject. Quotes the part of the President's message to Congress relating to the *Maine*.	308
60	Mr. Wilson to Mr. Beaupré	Apr. 6	Arbitration of Cuban claims. Incloses a letter from President Taft stating that the statement of the Secretary of State of Cuba as to his conversation with President Taft is correct.	283
209	Mr. Beaupré to Mr. Knox	Apr. 17	Visit of Secretary Knox to Cuba. Reports on the visit, inclosing copies of the addresses made.	298
	Same to same (telegram)	May 4	Negro uprising. Reports that a strike was inaugurated by the stevedores of Habana.	244
	Same to same (telegram)	May 20	Same subject. Reports the arrest of a number of negroes in Santiago, Santa Clara, and Pinar del Rio for an alleged revolutionary plot. Estenoz, with a number of other suspects, have disappeared.	245
	Same to same (telegram)	May 21	Same subject. Reports conflicts between rural guards and small bands of negroes at various points. Government sending out troops.	245
	Same to same (telegram)	May 23	Same subject. President fears he will not be able to station on all foreign properties sufficient forces to guarantee absolute protection.	245

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Beaupré (telegram).	1912. May 23	Same subject. In order to accord protection to American interests in the vicinity of the naval station at Guantanamo several American vessels with marines will be sent to that station.	245
	Mr. Beaupré to Mr. Knox (telegram).	May 24	Same subject. No agreement in stevedore strike, and there is strong probability of a general strike in Habana and other cities. Suggests advisability of having naval vessels and a force of marines in readiness in event of trouble.	246
268	Same to same	...do.....	Same subject. Gives a résumé of the situation	246
	Mr. Knox to Mr. Beaupré (telegram).	May 25	Same subject. The U. S. S. *Nebraska* will arrive at Habana on the 26th, and a gunboat will be sent to Nipe Bay. Instructs to inform the Cuban Government that in the event of inability or failure of that Government to protect American interests this Government will land forces to accord the necessary protection.	248
	President Gómez to President Taft (telegram).	May 26	Same subject. Recounts the measures taken by the Cuban Government to suppress the disorders and protests against the measures contemplated by the Government of the United States.	248
	President Taft to President Gómez (telegram).	May 27	Same subject. Expresses gratification to learn of the energetic measures taken by the Government of Cuba to suppress the disturbances. This Government took the precautionary measures to protect American interests and to give moral support to the Cuban Government. It is not an intervention.	249
	President Gómez to President Taft (telegram).	..do.....	Same subject. States that he is gratified to learn that the Government of the United States will morally support the Government of Cuba without landing marines on Cuban territory unless both Governments agree upon such necessity.	249
	Mr. Knox to Mr. Beaupré (telegram).	May 28	Same subject. Americans in Oriente have applied to this Government for protection. Instructs to make representations to the Cuban Government and to reserve rights of reclamation for damages.	250
	Same to same (telegram)	May 29	Same subject. Instructs to explain to President Gómez that this Government does not undertake to consult the Cuban Government if a crisis arises requiring the temporary landing of forces in Cuba on the broad principle of international practice.	250
	Mr. Beaupré to Mr. Knox (telegram).	...do.....	Same subject. Incloses a copy of an order from Estenoz to his lieutenants directing them to destroy property of Americans if the Morúa law is not repealed by June 1, and thereafter to kill white men irrespective of nationality.	250
	Same to same (telegram)	...do.....	Same subject. President Gómez recognizes our rights under the conditions named.	251
	Same to same (telegram)	May 30	Same subject. Strong representations were made for the protection of the Spanish-American Iron Co. and promises were given that protection will be accorded.	251
	Mr. Knox to Mr. Beaupré (telegram).	June 1	Same subject. Quotes instruction sent to American consuls in Cuba concerning protection of American interests.	251
	Same to same (telegram)	...do.....	Same subject. Instructs to direct American consular officers to report to the Legation and the Department twice a week movement of Cuban and revolutionary forces in their districts; also instructs to endeavor to have Cuban guards placed on American properties.	252
	Mr. Beaupré to Mr. Knox (telegram).	...do.....	Same subject. Reports persistent rumors of a concerted negro uprising in Habana. President Gómez states that he has no knowledge of such plan and that he has ample forces to put down any movement.	252
	Same to same (telegram)	June 2	Same subject. From apparently reliable information it is evident that negroes have bought large quantities of arms and many negroes have left the city.	252
	Same to same (telegram)	June 3	Same subject. Reports that La Maya, a town of 4,000 inhabitants, was completely destroyed by insurgents. The town was defended by seven rurales.	253
	Same to same (telegram)	...do.....	Same subject. In a message to Congress the President asked for authority to suspend constitutional guaranties.	253
285	Same to same	June 4	Same subject. Reports at length on the situation	253
	Same to same (telegram)	June 5	Same subject. The Cuban Government thoroughly understands that the Government of the United States reserves the right to land troops in Cuba. All possible facilities and cooperation will be extended to them. Asks that any rebels captured by American troops be delivered to Cuban officials.	253

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)...	1912. June 5	Same subject. The President was authorized to suspend constitutional guaranties in Oriente Province.	254
	Mr. Knox to Mr. Beaupré (telegram).	...do.....	Same subject. Owing to the failure of Cuba to afford adequate protection to American interests Marines have been landed at Guantánamo. Instructs to impress upon the President that a continued failure on the part of his Government to protect life and property will lead to intervention by the United States.	254
287	Mr. Beaupré to Mr. Knox...	June 6	Same subject. Makes observations on the serious condition in Cuba, especially in Oriente Province.	255
	Same to same (telegram)....	June 7	Same subject. The President issued a manifesto calling for volunteers "to combat the present movement against civilization."	256
	Same to same (telegram)....	...do.....	Same subject. The Speaker of the House of Representatives left to-day for Washington. He is reported to have gone there for the purpose of obtaining additional assistance in protecting property.	257
	Mr. Sanguily to Mr. Beaupré	June 8	Same subject. Reviews the endeavors of the Government of Cuba to suppress the insurrection and intimates that the intervention which has been initiated and is being prepared by the Government of the United States is in no sense justified.	257
	Mr. Beaupré to Mr. Knox (telegram).	June 9	Same subject. Disorders in Habana have assumed character of race war. Great apprehension is felt. Recommends the sending of a war vessel.	260
	Mr. Knox to Mr. Beaupré (telegram).	...do.....	Same subject. Two war vessels will be ordered to Habana immediately.	260
	Same to same (telegram)....	June 10	Same subject. Mr. Ferrara called at the Department and stated that the reports to this Government as to the situation in Cuba had been greatly exaggerated. Minister Rivero urges the recall of the war vessels from Habana.	260
	Mr. Beaupré to Mr. Knox (telegram).	...do.....	Same subject. States that he is convinced that there is no reason for the withdrawal of the war vessels from Habana.	261
291	Same to same..............	June 11	Same subject. Full report on the disorder in Habana.	261
	Same to same (telegram)....	June 12	Same subject. The American Consul at Santiago telegraphs that the Government has issued an order offering amnesty to the insurgents who surrender before June 22.	263
	Mr. Ferrara to Mr. Knox....	June 13	Same subject. Suggests that the American Minister in Cuba issue declarations defining the attitude of the Government of the United States toward Cuba, which declarations would greatly tend to allay the unrest there.	263
	Mr. Innes to Mr. Knox.......	...do.....	Same subject. Requests protection of British subjects by American forces in the disturbed area in Cuba.	264
	Mr. Beaupré to Mr. Knox (telegram).	...do....	Same subject. Wholesale arrests of negroes in Habana continue. Although the Government maintains that the rest of the country is quiet, negroes are conspiring in various parts without interference from the authorities.	264
	Same to same (telegram)....	...do.....	Same subject. The Cuban Secretary of State has given to the press a telegram from Ferrara saying "ships ordered withdrawn."	265
48	Mr. Knox to Mr. Rivero.....	...do.....	Same subject. Replies to his request for the withdrawal of the American warships from Habana that, in view of the information before it, the Government of the United States does not feel justified in changing its naval dispositions.	265
	Mr. Knox to Mr. Beaupré (telegram).	June 14	Same subject. Instructs to give publicity to quoted statement defining the attitude of the Government of the United States toward Cuba.	265
	Same to same (telegram)....	...do.....	Same subject. Instructs to bring to the attention of the Foreign Office the request for protection of the Esperanza San Miguel Sugar Mills, a Spanish firm.	266
	Mr. Knox to Mr. Ferrara....	June 15	Same subject. Incloses a copy of the telegram to Mr. Beaupré of June 14.	266
1540	Mr. Knox to Mr. Innes......	June 20	Same subject. Informs him that his request for protection of British subjects in Cuba has been communicated to the Secretary of the Navy.	266
102	Mr. Wilson to Mr. Beaupré..	June 24	Arbitration of Cuban claims. Incloses a memorandum of a conversation between the Secretary of State and the French Ambassador on this subject.	284
	Mr. Holaday to Mr. Knox (telegram).	June 28	Negro uprising. Reports that the rebel leader Estenoz was killed in battle at Micara.	267

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Beaupré (telegram).	1912. June 29	Same subject. Advises him that the large war vessels have been ordered north from Habana and Guantánamo.	267
319	Mr. Beaupré to Mr. Knox...	July 1	Arbitration of Cuban claims. Incloses a copy of his note to the Foreign Office, transmitting substance of Department's memorandum of June 24, 1912.	285
323	Same to same...............	July 2	Negro uprising. Reports that the situation has improved to a marked degree.	276
327	Same to same...............	July 5	Zapata swamp concession. Reports that a concession for the reclamation of the Ciénaga de Zapata has been granted, which seems to require that an emphatic protest be made by the Government of the United States.	309
355	Same to same...............	July 12	Arbitration of Cuban claims. Incloses a copy of a note from the Cuban Secretary of State replying to his note based upon Department's memorandum of June 24.	286
	Mr. Knox to Mr. Beaupré (telegram).	July 17	Zapata swamp concession. Instructs to inform the Government of Cuba that the Government of the United States is impelled to express its emphatic disapproval of the concession.	311
343	Mr. Beaupré to Mr. Knox...	July 18	Same subject. Incloses copy of his note to the President based on above telegram.	311
	Same to same (telegram)....	July 19	Same subject. Incloses long note from President Gómez replying to his note based on Department's telegram of the 17th inst.	311
	Same to same...............	July 20	Same subject. Takes exception to the statement in President Gómez's note that frequent "contradictory advice" is sent through the Legation.	313
	Mr. Adee to Mr. Beaupré (telegram).	...do.....	Same subject. Instructs him to inform President Gómez that this Government, pending the announcement of its determination and purpose, is making full reservations in the premises.	313
346	Mr. Beaupré to Mr. Knox...	July 22	Same subject. Incloses correspondence with President Gómez.	313
149	Mr. Innes to Mr. Knox......	...do.....	Negro uprising. Offers thanks for protection accorded to British interests in Cuba.	268
359	Mr. Beaupré to Mr. Knox...	July 25	Zapata swamp concession. Reports that a bill was introduced in the Senate with a view to preventing further granting of State lands and other common property. States provisions of the bill.	314
123	Mr. Knox to Mr. Gibson....	Aug. 15	Same subject. Instructs to transmit to President Gómez the reply of the United States to the contentions of the Cuban Government.	314
390	Mr. Gibson to Mr. Knox....	Aug. 21	Same subject. Reports that he has addressed a note to President Gómez in the language desired by the Department.	316
401	Same to same...............	Aug. 27	Same subject. Incloses a note from President Gómez, acceding to the interpretations of the American Government, and stating that the objectionable concession has been repealed.	316
	Same to same (telegram)....	Aug. 27	Assault upon the American Chargé d'Affaires. Reports that he was assaulted while entering a hotel by a reporter of La Prensa, who was immediately arrested.	268
57	Mr. Wilson to Mr. Rivero...	Aug. 28	Same subject. The Department expects the Cuban Government to take prompt and energetic measures adequately to punish the offender.	268
	Mr. Wilson to Mr. Gibson (telegram).	...do.....	Same subject. The Department has requested the Cuban Legation to take prompt measures to punish the offender.	269
402	Mr. Gibson to Mr. Knox....	Aug. 29	Same subject. Gives full account of the affair and reports upon the apparent indifference of the Cuban authorities. Requests authority for himself and the Second Secretary of Legation to testify in the case.	269
	Mr. Wilson to Mr. Gibson (telegram).	Aug. 30	Same subject. The Department has impressed upon the Cuban Minister that this Government expects Cuba to realize its duties and promptly and adequately deal with the situation.	272
37	Mr. Rivero to Mr. Wilson...	Aug. 31	Same subject. Expresses regret at the occurrence and confidence that the courts of Cuba will deal with the offender to the full extent of the law.	272
	Mr. Gibson to Mr. Knox (telegram).	Sept. 1	Same subject. Reports that the President of Cuba has sent a telegram to President Taft which utterly fails to cover the needs of the case.	273
	Mr. Rivero to Mr. Knox.....	Sept. 2	Same subject. Incloses copy of a telegram from President Gómez to President Taft expressing regret.	273
	Mr. Gibson to Mr. Knox (telegram).	Sept. 3	Same subject. The Cuban Secretary of State has created a general feeling of apprehension by stating that the situation was very serious.	274

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	President Taft to President Gómez.	1912. Sept. 4	Same subject. Acknowledges telegram of President Gómez expressing condemnation of the assault and of the vicious attacks by the press upon the American Legation. Expresses regret that the assurances of redress did not come before it became necessary to make representations to the Cuban Government.	275
	Mr. Gibson to Mr. Knox (telegram).	Sept. 6	Same subject. The newspapers have been asked by the Cuban Secretary of State to cease their campaign of abuse and the better class of papers are becoming more friendly.	275
138	Mr. Wilson to Mr. Gibson...	Sept. 16	Arbitration of Cuban claims. Instructs him to advise the Cuban Foreign Office that it is the conviction of this Government that the fundamental question as to the insurrectionary claims should be submitted to arbitration.	288
434	Mr. Gibson to Mr. Knox....	Sept. 20	Zapata swamp concession. Incloses copy of a letter from Isaac K. Champion, an American contractor who is interested in the company which seeks the concession. The company is willing to waive all forestry rights and make the grant more specific.	317
	Same to same (telegram)....	Sept. 23	Assault upon the American Chargé d'Affaires. Requests authority to reply to written interrogatories from the Audiencia.	276
	Mr. Wilson to Mr. Gibson (telegram).	Sept. 25	Same subject. Authority granted..................	276
442	Mr. Gibson to Mr. Knox....	Sept. 26	Arbitration of Cuban claims. The Cuban Secretary of State gives his reasons why Cuba could not at present arrange the question for arbitration.	288
450	Same to same................	Oct. 1	Zapata swamp concession. Incloses various communications favoring the granting of the concession.	318
	Same to same (telegram)....	Oct. 8	Assault upon the American Chargé d'Affaires. Reports that Maza was sentenced to two years and six months imprisonment.	276
	Mr. Wilson to Mr. Gibson (telegram).	Oct. 12	Same subject. Mr. Gibson will not be transferred to Brussels, as had been intended, but will remain in Habana.	276
153	Mr. Knox to Mr. Beaupré...	Oct. 21	Arbitration of Cuban claims. Instructs to advise the Cuban Secretary of State that it would be unwise to make public the expression of this Government on this subject at this time.	290
477	Mr. Beaupré to Mr. Knox...	Oct. 23	Naval station at Guantánamo. Incloses final text of the proposed convention.	294
306	Mr. Wilson to Mr. Rodgers..	Oct. 24	Zapata swamp concession. Instructs to make a thorough investigation of the various issues involved in this matter.	318
159	Mr. Knox to Mr. Beaupré...	Oct. 28	Same subject. Informs him that the American Consul General at Habana has been instructed to make an investigation of the case and to report to the Department.	319
665	Mr. Rodgers to Mr. Knox...	Oct. 30	Same subject. It will probably be necessary for him to go to the Zapata swamp region or the swamp itself, which implies time, as the district is practically inaccessible except during the dry season.	320
666	Same to same...............	Nov. 2	Same subject. Expects to leave for the swamp, in company with Mr. Champion, in the near future.	320
169	Mr. Knox to Mr. Beaupré...	Nov. 15	Naval station at Guantánamo. Incloses a copy of a letter from the Secretary of the Navy approving the final text of the proposed convention.	294
674	Mr. Rodgers to Mr. Knox...	Nov. 20	Zapata concession. Reports that Mr. Champion's statements as to the character of the area included in the concession, the timber thereon, etc., are almost exact. The opening of the district to cultivation would be of great benefit.	321
170	Mr. Knox to Mr. Beaupré...	Nov. 21	Naval station at Guantánamo. Incloses full powers to sign the convention.	295
675	Mr. Rodgers to Mr. Knox...	Nov. 23	Zapata swamp concession. Adds to his report that the land as at present is absolutely worthless and can not be reclaimed unless a very large amount of money is spent.	321
260	Mr. Bryce to Mr. Knox.....	Dec. 20	Arbitration of Cuban claims. Incloses a copy of a joint note and agreement sent by the representatives of Germany, France, and Great Britain to the Government of Cuba relating to the arbitration of their claims against Cuba.	291
571	Mr. Beaupré to Mr. Knox...	Dec. 27	Naval station at Guantánamo. Incloses the convention signed by himself and the Secretary of State of Cuba.	295
	Mr. Champion to Mr. Hart (telegram).	Dec. 28	Zapata swamp concession. Asks when he can expect a decision.	322
	Mr. Knox to Mr. Champion (telegram).	Dec. 30	Same subject. Department expects to have a conference with Consul General Rodgers soon and will then make its decision.	322

DENMARK.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Hilles to Mr. Knox	1912. Jan. 6	Presentation of a park. American citizens of Danish descent have purchased a tract in Jutland to present as a park to Denmark; requests opinion as to certain details of participation in dedication exercises.	335
	Mr. Knox to Mr. Hilles	Jan. 24	Same subject. Assents to the suggested details of participation in the dedication.	336
	Mr. Brun to Mr. Knox	Jan. 27	Inheritance tax. The Iowa State Treasurer claims the right to impose on a nonresident alien heir a tax in addition to that imposed on other heirs, according to the Iowa statute, whereas art. 7 of the commercial treaty between Denmark and the United States waives such a tax upon nonresident Danish heirs. The State Treasurer claims that art. 7 does not apply. The Danish Minister protests, with statement of bases of protest.	323
	Mr. Brun to Mr. Knox	Feb. 2	Same subject. Further interpretation of art. 7	324
	Mr. Knox to Mr. Brun	Feb. 7	Same subject. Acknowledges Mr. Brun's memorandum of Jan. 27. Is receiving attentive consideration.	325
140	Mr. Wilson to Mr. Egan	Feb. 17	Presentation of a park. The President accepts the honorary presidency of the dedication ceremonies.	336
	Mr. Brun to Mr. Knox	Apr. 17	Inheritance tax. Refers to the previous memoranda and renews the protest of Jan. 27.	325
	Mr. Knox to Mr. Brun	Apr. 23	Same subject. Acknowledges receipt of memorandum of Apr. 17. The case is receiving attentive consideration.	326
	Mr. Denison to Mr. Knox	Apr. 30	Same subject. The Assistant Attorney General incloses a letter from the U. S. Attorney for the Northern District of Iowa, reporting the status of the intervening petition filed by him in the case.	326
	Mr. Knox to Mr. Brun	May 15	Same subject. Refers to Mr. Brun's Apr. 17; the Department of Justice is endeavoring to obtain for the non-resident Danish heir the desired reimbursement.	327
	Count Moltke to Mr. Knox	...do...	Accession of King Christian X. Announcing the death of King Frederik VIII.	333
164	Mr. Wilson to Count Moltke	...do...	Same subject. The President has sent a message of sympathy to King Christian X.	333
	Mr. Wilson to Mr. Egan (telegram).	...do...	Same subject. Instruction to express the sympathy of the Secretary of State to the Minister for Foreign Affairs.	333
	King Christian to the President (telegram).	May 16	Same subject. Expression of gratitude for the President's sympathy.	333
	Mr. Knox to Mr. Richardson (telegram).	May 21	Same subject. Credentials as Special Envoy for the funeral services.	334
170	Mr. Knox to Mr. Brun	June 12	Inheritance tax. Replies further to Mr. Brun's Apr. 17. The nonresident Danish heir having paid the disputed tax and signed a receipt in full, and the estate having been closed, the Attorney General believes the heir estopped; but if desired the Department of Justice will assist in equity proceedings.	327
	The President to Mr. Egan	July 8	Presentation of a park. Request to convey his greetings to King Christian and the Danish nation.	337
	Count Moltke to Mr. Knox	July 9	Accession of Christian X. Transmits letter to the President from King Christian, dated June 21, announcing his succession to the throne.	334
173	Mr. Knox to Count Moltke	July 17	Same subject. Acknowledges receipt of the King's letter to the President.	334
598	Mr. Egan to Mr. Knox	Aug. 8	Presentation of a park. Description of the dedication ceremonies.	337
	Mr. Harr to Mr. Knox	Aug. 15	Inheritance tax. The Assistant Attorney General incloses a letter from U. S. Attorney Faville for the Northern District of Iowa, inclosing the findings of the Iowa court, holding against the application of art. 7 of the treaty; Mr. Faville suggests appeal; also inclosed is a later letter from Mr. Faville concerning an analogous case, in view of which he withholds institution of proceedings. Mr. Harr believes the Government can not secure legal standing in the case.	328
161	Mr. Adee to Mr. Egan	Aug. 21	Accession of Christian X. Incloses letter from the President to the King, acknowledging His Majesty's letter of June 21.	335
	Mr. Brun to Mr. Knox	Oct. 24	Inheritance tax. Refers to Mr. Knox's Feb. 7. The case will be appealed to the Supreme Court of Iowa. Mr. Brun desires to know whether an appeal to the Supreme Court of the United States would lie if the Iowa court's decision be adverse.	331
8	Mr. Knox to Mr. Brun	Nov. 20	Same subject. Refers to Mr. Brun's Oct. 24. The Department of Justice is inclined to believe that an appeal would be possible to the Supreme Court of the United States.	331

DENMARK—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Adkins to Mr. Knox	1912. Nov. 21	Same subject. The Acting Attorney General incloses a letter from Mr. Faville, who believes the Government can not obtain standing on its own petition of intervention unless the heir also appeal, in which case Mr. Faville will join for the Government as intervenor.	332

DOMINICAN REPUBLIC.

	Mr. Furniss to Mr. Knox (telegram).	1912. Jan. 8	Political affairs. President of Haiti has ordered authorities to resist entry of Dominican revolutionists.	340
	Mr. Knox to Mr. Furniss (telegram).	Jan. 15	Arbitration of boundary dispute. It is gratifying to learn of Haitian Government's action against revolutionists and that it is willing to broaden the powers of the boundary plenipotentiary.	380
	Mr. Russell to Mr. Knox	Jan. 19	Political affairs. Is informed that Haitian authorities have sent arms to Desiderio Arias.	341
	Same to same (telegram)	do	Arbitration. Mr. Peynado, the Minister to the United States, will arrive with full general powers to sign a boundary protocol to be submitted to plebiscite.	380
	Mr. Knox to Mr. Furniss (telegram).	Jan. 23	Political affairs. Investigate report received from Mr. Russell concerning Arias. If true, make protest to Haitian Government.	341
	Mr. Knox to Mr. Russell (telegram).	do	Same subject. If report is confirmed, send messenger to Arias and Toribio to urge them to cease revolutionary activity and warn them not to expect recognition by this Government of any unrepresentative and irresponsible régime.	341
	Same to same (telegram)	Jan. 26	Same subject. Report of shipment of arms is false	342
	Mr. Russell to Mr. Knox (telegram).	Jan. 27	Same subject. Report that Arias, Toribio, et al. crossed from Haiti intending to disturb the peace; are aided by Haiti.	342
	Same to same (telegram)	Feb. 8	Same subject. Toribio killed	342
1019	Mr. Furniss to Mr. Knox	do	Arbitration. Incloses note from Dominican Legation at Port au Prince relative to boundary question. Description of inclosure (not printed).	381
	Mr. Peynado to Mr. Wilson	Feb. 15	Visit of the Secretary. Expresses pleasure of his Government at the prospective visit of the Secretary of State to the Dominican Republic.	387
	Mr. Russell to Mr. Knox	Feb. 24	Political affairs. Haitian forces continue to occupy Dominican territory. Haitian Government openly aiding revolution.	343
	Mr. Wilson to Mr. Furniss (telegram).	Mar. 1	Same subject. State to Dominican Government that this Government expects Haiti to maintain a neutral attitude.	343
	Same to same (telegram)	do	Arbitration. Refers to Mr. Furniss's No. 1019 and instructs to urge haste in issuing full powers.	381
	Mr. Peynado to Mr. Wilson	Mar. 4	Visit of the Secretary. Transmits cablegram from his Government expressing pleasure in anticipating the Secretary's visit.	388
	Mr. Russell to Mr. Wilson	Mar. 5	Same subject. The Minister for Foreign Affairs says Mr. Knox will be heartily received.	388
	Mr. Furniss to Mr. Knox (telegram).	do	Arbitration. The Haitian Government will issue such powers as this Government desires the plenipotentiary to have.	381
	Same to same (telegram)	do	Political affairs. Assurance given that Haiti is doing all it can to be neutral.	343
	Mr. Wilson to Mr. Peynado	Mar. 7	Visit of the Secretary. Thanks for the message from the Dominican Government transmitted in his Mar. 4.	388
	Mr. Russell to Mr. Knox (telegram).	Mar. 8	Political affairs. Vásquez and the two Rodriguez left Porto Rico for Haiti and will receive arms from the United States.	344
	Mr. Wilson to Mr. Jackson (telegram).	do	Same subject. Instruction to notify Cuban Foreign Office of movements of Vásquez and the Rodriguez, and request full information if they come within Cuban jurisdiction.	344
	Mr. Wilson to Mr. Furniss (telegram).	do	Same subject. Transmits report concerning Vásquez and Rodriguez, with instruction to say that this Government expects Haiti to prevent their operations on Haitian territory.	344
	Mr. Furniss to Mr. Knox (telegram).	Mar. 9	Same subject. Instructions of Mar. 8 informally presented to Haiti, which will do all it can to maintain neutrality.	345
	Same to same (telegram)	Mar. 11	Vásquez and the Rodriquez have arrived at Port au Prince, but Haitian Government refused to allow them to land.	345

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
136	Mr. Russell to Mr. Knox....	1912. Mar. 11	Message of the President. Incloses copy............	339
	Mr. Wilson to Mr. Furniss (telegram).	Mar. 18	Arbitration. Instruction to state to the Haitian Government that the United States must consider Haiti to have modified its attitude toward arbitration if it does not prosecute the revolutionists more actively; and to communicate the desired wording of the powers of the plenipotentiary.	381
	Mr. Furniss to Mr. Knox (telegram).	Mar. 21	Same subject. Instructions of Mar. 18 complied with; purport of Haiti's reply; Haiti will send desired powers at once to the plenipotentiary.	382
	Mr. Russell to Mr. Knox (telegram).	...do.....	Political affairs. Dominican Minister at Washington instructed to consult the Department as to ultimatum to Haiti for open violation of treaties.	345
	Mr. Wilson to Mr. Russell (telegram).	Mar. 27	Same subject. The Department strongly deprecates Dominican suggestion of ultimatum. Dominican Minister will recommend American frontier guard, as previous to 1908. This Government believes this would help maintain status quo.	345
	Mr. Knox to President Victoria.	...do.....	Visit of the Secretary. Address.....................	389
	President Victoria to Mr. Knox.	...do.....	Same subject. Reply to Mr. Knox's address........	390
	Mr. Russell to Mr. Knox (telegram).	Apr. 2	Political affairs. Haiti has sent men and arms to Thomazeau; Dominican Government supposes these to be in aid of revolution and requests our aid in securing two fast gunboats.	346
	Same to same (telegram)....	Apr. 15	Same subject. Dominican Government's forces frustrated by Haitian aid to revolutionists. Repeats request as to gunboats.	346
	Same to same (telegram)....	Apr. 20	Same subject. Arias has left Haiti with reinforcements. Government urgently needs gunboat.	346
	Mr. Knox to Mr. Russell (telegram).	Apr. 24	Same subject. Instructs to counsel Dominican Government to make friendly overtures to revolutionists.	346
	Mr. Knox to Mr. Peynado and Mr. Menos.	Apr. 26	Arbitration. Invitation to meet at the Department on Apr. 27 to renew negotiations.	383
	Mr. Doyle to Mr. Wilson....	Apr. 27	Same subject. Memorandum of meeting of the plenipotentiaries on Apr. 27. Exchange of powers.	383
	Same to same..............	Apr. 30	Same subject. Memorandum of meeting of plenipotentiaries on Apr. 30. Mr. Menos declared that the existing conventions between the two countries in themselves settle the boundary question. Mr. Peynado claimed the conventions invalid. Also that the status quo line should be settled before the arbitration proceeded, and he would present a memorandumon this point. Mr. Menos presented a draft of a proposed first article of the convention of arbitration.	384
	Mr Russell to Mr. Knox (telegram).	May 8	Political affairs. Memorandum of Dominican Govment quoted; reviews official action and states present conditions.	347
	Mr. Wilson to Mr. Russell (telegram).	May 11	Same subject. Instruction to express this Government's gratification at Dominican efforts to restore peace.	348
	Mr. Furniss to Mr. Knox (telegram).	June 6	Same subject. The Haitian Government reports Dominican troops invading Haiti.	348
	Mr. Knox to Mr. Russell (telegram).	June 8	Same subject. Instruction, if report from Mr. Russell is true, to warn Dominican Government to refrain.	348
	Mr. Russell to Mr. Knox (telegram).	June 11	Same subject. Refers to Mr. Knox's June 8; Dominican Government says revolutionary troops from Haitian territory were driven back. Other revolutionists attacked Dominicans, obliging them to advance.	349
	Mr. Peynado to Mr. Knox...	June 12	Same subject. Reviews history of frontier troubles with Haiti and Haiti's request for the good offices of the United States; discusses the proposed arbitration at Washington; requests this Government to urge Haiti to abandon occupied territory.	349
	Mr. Russell to Mr. Knox (telegram).	June 21	Same subject. Transmits Haitian proposals for settlement of frontier question by a joint commission; bases given; Dominican Government rejects one of these; maintenance of status quo line; consequent deadlock.	357
	Mr. Doyle to Mr. Wilson....	June 22	Arbitration. Memorandum of meeting of plenipotentiaries on June 22. No progress.	385
13	Mr. Wilson to Mr. Peynado..	June 24	Political affairs. Acknowledges note of June 12....	357
	Mr. Knox to Mr. Furniss (telegram).	June 29	Same subject. Gives summary of Mr, Peynado's note of June 12; instructs to verify the allegations; to inform President of Haiti of receipt of the note, which appears well founded; to warn Haiti to observe the status quo, and to request withdrawal from occupied territory.	358

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
168	Mr. Russell to Mr. Knox	1912. July 1	Same subject. Incloses memorandum of Dominican Foreign Office, containing proposals as to neutrality and counter proposal of Dominican Government.	359
	Mr. Doyle to Mr. Wilson	do	Arbitration. Memorandum of meeting of plenipotentiaries on July 1. Mr. Peynado had received from Mr. Menos a draft protocol; he submitted his observations regarding it and his own draft protocol.	385
171	Mr. Russell to Mr. Knox	July 3	Political affairs. Reviews state of affairs	359
	Mr. Furniss to Mr. Knox (telegram).	July 4	Same subject. Refers to Department's June 29. President of Haiti willing to withdraw forces from territory to be designated by United States if not liable to occupation by Dominican forces.	360
1096	Same to same	July 6	Same subject. States in full what was briefly reported by telegraph July 4. President of Haiti urges Mr. Furniss to make investigation personally along the boundary.	360
	Mr. Knox to Mr. Furniss (telegram).	July 9	Same subject. Instructs to visit Pedernales region and report, bearing in mind desirability of restoring status quo at time of acceptance of good offices of the United States, which would involve Dominican occupation of certain territory in dispute.	362
	Mr. Doyle to Mr. Wilson	July 10	Arbitration. Memorandum of meeting of plenipotentiaries on July 6. No progress. Statement of causes of disagreement.	386
1105	Mr. Furniss to Mr. Knox	July 29	Political affairs. Report of investigation, which reveals that Dominican statements are exaggerated. Occupation is a question that should be deferred in view of proposed arbitration.	362
190	Mr. Russell to Mr. Knox	Aug. 3	Same subject. Reviews the situation	363
193	Same to same	Aug. 14	Same subject. Revolutionists take Dajabon. Financial crisis near.	364
	Mr. Adee to Mr. Russell (telegram).	Sept. 14	Same subject. Requests suggestions as to means of ending revolution.	365
210	Mr. Russell to Mr. Knox	Sept. 16	Same subject. Review of the situation	365
	Same to same (telegram)	Sept. 19	Same subject. Refers to Department's Sept. 14; suggests occupation by the United States of abandoned frontier customhouses.	366
	Mr. Wilson to Mr. Russell (identic telegram).	Sept. 24	Same subject. Instructs to notify the Government to which he is accredited that this Government will regard as the status quo line during the boundary controversy that of the map of the General Staff, 1907; this line will be patrolled.	367
	Mr. Wilson to Mr. Furniss (identic telegram).	do	Same subject. Same text as to Mr. Russell of this date regarding map of status quo line.	368
	Mr. Wilson to Gen. McIntyre and Mr. Doyle.	do	Same subject. Instructions to proceed to Santo Domingo, reestablish Dominican customhouses, and make a complete examination of Dominican affairs.	366
	Mr. Wilson to Mr. Russell (telegram).	do	Same subject. Instruction to deliver note to Foreign Office regarding map showing de facto boundary line.	368
	Mr. Adee to Mr. Peynado	Sept. 27	Same subject. Identic note, giving text of identic instructions of Sept. 24 to Mr. Russell and Mr. Furniss, with comment thereon, and adding a suggestion that the Ministers sign the minutes of the boundary conferences.	369
	Mr. Adee to Mr. Menos	do	Same subject. Same as to Mr. Peynado of this date	369
340	Mr. Menos to Mr. Knox	Sept. 30	Same subject. Acknowledges Mr. Adee's Sept. 27. Invokes the statement of Secretary Hay in 1905.	370
1138	Mr. Furniss to Mr. Knox	Oct. 10	Same subject. Refers to Department's telegram of Sept. 24 and incloses correspondence with Haitian Government.	370
	Mr. Russell to Mr. Knox (telegram).	Oct. 14	Same subject. Reports delivery of note instructed Sept. 24 to deliver. Dominican Government desires to address the President directly. To strengthen the situation, more vessels should be sent.	371
	Mr. Adee to Mr. Russell (telegram).	Oct. 17	Same subject. Refers to Mr. Russell's Oct. 14. The President prefers communications to be sent through usual channels.	371
	Mr. Russell to Mr. Knox (telegram).	Oct. 20	Same subject. Dominican Government has accepted in full the suggestions of the Commissioners and now desires arrangement to be made by Department for sale of $1,000,000 bonds. Instructions asked.	372
	Same to same (telegram)	Oct. 21	Same subject. The Dominican President announces his retirement from office July 1, 1914; other concessions made and guaranties given.	373
	Mr. Wilson to Mr. Russell (telegram).	Oct. 23	Same subject. Naval Auxiliary *Caesar* will arrive about the 24th.	373

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Mr. Russell to Mr. Knox (telegram).	Oct. 25	Same subject. Commissioners request two more gunboats.	373
	Mr. Russell, Gen. McIntyre, and Mr. Doyle to Mr. Knox (telegram).	Nov. 13	Same subject. Transmits detailed report and recommendations of the Commissioners.	373
	Mr. Peynado to Mr. Knox...	Nov. 22	Arbitration. Submits the minutes of the six conferences of the plenipotentiaries. There has been no exchange of views since Aug. 8.	386
	Mr. Knox to Mr. Russell (telegram).	Nov. 25	Political affairs. The Department approves the program given in the telegram of Nov. 13 and authorizes the steps necessary to carry it out.	376
	Mr. Russell to Mr. Knox (telegram).	Nov. 26	Same subject. Resignation of President Victoria accepted. All political prisoners released.	376
	Mr. Knox to Mr. Russell (telegram).	Nov. 29	Same subject. *Petrel* will arrive about Dec. 12.....	376
	Mr. Russell to Mr. Knox (telegram).	Dec. 2	Same subject. Archbishop Nouel elected Provisional President.	377
1165	Mr. Furniss to Mr. Knox....	Dec. 3	Same subject. Report that Dominican revolutionists have formed a provisional government at Monte Cristi with Vásquez as President Arias, Vice President.	377
	Mr. Russell to Mr. Knox (telegram).	Dec. 4	Same subject. Congress will authorize $300,000 local loan and sale of bonds now on deposit, replacing these with customs receipts, $30,000 monthly. Urges announcement of nonrecognition of any government resulting from revolution.	377
	Mr. Knox to Mr. Russell (telegram).	Dec. 11	Same subject. Instructs to say to the Provisional President that this Government will support him and the President hopes he will not resign without ample notice.	378
	Mr. Knox to Mr. Cernuda...	Dec. 13	Arbitration of boundary dispute. Acknowledges the Minister's note of Nov. 22.	387
	Mr. Russell to Mr. Knox (telegram).	...do.....	Political Affairs. Instruction of Dec. 11 complied with; transmits thanks of the Provisional President. Congress authorizes loan of $1,500,000; suggestions as to security.	378
	Same to same (telegram)....	Dec. 19	Same subject. Vásquez announces his retirement from politics.	379
238	Same to same..............	Dec. 28	Same subject. Reviews conditions; they are not encouraging.	379

ECUADOR.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Mr. Chávez Franco to Mr. Knox (telegram).	Jan. 2	Insurrection. Personnel of revolutionary Cabinet. First act of new Montero Government, payment of railroad coupons.	392
	Mr. Young to Mr. Knox (telegram).	...do.....	Same subject. Ecuador requests prevention of departure of Eloy Alfaro from Panama. Disposition of forces. Telegraphic communication cut off. Ports closed to commerce.	392
	Mr. Knox to Mr. Dietrich (telegram).	Jan. 6	Same subject. Instructs to notify authorities at Guayaquil that American lives and property must be fully protected.	393
	Mr. Young to Mr. Knox.....	Jan. 12	Same subject. Jan. 6 instructions complied with...	393
	Same to same (telegram)....	Jan. 13	Same subject. Has advised Consul General and *Yorktown* not to receive political refugees.	393
	Mr. Knox to Mr. Young (telegram).	Jan. 17	Same subject. Referring to Mr. Young's Jan. 2, instructs to notify Ecuador that this Government must protest against closure of ports unless effective blockade can be maintained, and reserves rights of American citizens, their vessels, and property, according to international law.	394
	Gen. Montero to Mr. Knox (telegram).	...do.....	Same subject. His Government will fully respect all foreign interests.	394
	Mr. Wither to Mr. Knox....	Jan. 18	Same subject. Reviews the causes of the insurrection; declares the American railway property safe or assured of compensation for damages; requests that no drastic action be taken.	394
	Mr. Young to Mr. Knox (telegram).	Jan. 20	Same subject. Capt. Cordier sent to Guayaquil to handle the situation.	397
	Same to same (telegram)....	Jan. 23	Same subject. Government troops occupy Guayaquil. Our Consul General instructed not to take part in diplomatic representations relating to disposition of arrested leaders.	397
	Same to same (telegram)....	Jan. 26	Same subject. Capt. Cordier reports yellow fever on *Yorktown* and recommends withdrawal of the vessel.	398
	Mr. Dietrich to Mr. Knox (telegram).	...do.....	Same subject. Gen. Montero lynched; other prisoners sent to Quito.	398

ECUADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Bingham (telegram).	1912. Jan. 26	Same subject. Instruction to express informally the fear of this Government that further lynchings will be unfortunate for Ecuador.	398
38	Mr. Knox to Mr. Young	Jan. 30	Same subject. Refers to Mr. Young's telegram of Jan. 13. Refers to instructions as to asylum and refuge given to the Consul General, April 5, 1910, as applying to the present case.	399
	Mr. Knox to Mr. Wither	Jan. 30	Same subject. Acknowledges Mr. Wither's Jan. 18; this Government was obliged to take precautions in view of the turbulent conditions.	400
	Mr. Bingham to Mr. Knox (telegram).	...do...	Same subject. Reports lynching of the three Alfaros and Páez.	401
53	Same to same	Feb. 3	Same subject. Reports on the recent armed uprising, the death of President Estrada, the political situation.	401
56	Same to same	Feb. 6	Sanitation of Guayaquil. Incloses note from the Foreign Office suggesting a convention between the two Governments to assure the sanitation of Guayaquil.	422
57	Same to same	Feb. 10	Same subject. Incloses a note from the Foreign Office, containing the basis proposed for a convention or protocol.	423
	Mr. Young to Mr. Knox (telegram).	Feb. 13	Insurrection. Requests *Yorktown* remain in absence of Maryland, and that Capt. Cordier remain with *Yorktown*.	403
	Mr. Wilson to Mr. Bingham (telegram).	Feb. 19	Guayaquil & Quito Ry. Inquires what steps the Government has taken to fulfill its obligations to the railway company.	412
	Mr. Bingham to Mr. Knox (telegram).	Feb. 21	Same subject. The Government has made no effort since the revolution to fulfill its obligations to the railway company.	412
	Same to same (telegram)	Feb. 28	Insurrection. Capt. Cordier reports all quiet on the coast. *Yorktown* may safely be withdrawn.	403
64	Same to same	...do...	Same subject. Reports on political situation	403
66	Same to same	Mar. 2	Attacks on Chinese. Incloses letter from Chinese Colony of Guayaquil and relates conversation with the Minister for Foreign Affairs regarding its charges of damage done to Chinese during the revolution.	434
69	Same to same	Mar. 8	Insurrection. Gen. Andrade killed. Gen. Plaza dictator.	404
	Mr. Wilson to Mr. Bingham (telegram).	Mar. 13	Sanitation of Guayaquil. Instructs to supply Dr. Parker with a copy of the draft convention he will report to Surgeon General Blue his opinion of necessary provisions.	425
73	Mr. Bingham to Mr. Knox	Mar. 15	Insurrection. Dr. Andrade Marin in charge of Executive Power, personnel of cabinet.	405
	Mr. Wither to Mr. Wilson	...do...	Same subject. Dr. Arcos appointed Minister for Foreign Affairs, to succeed Dr. Tobar.	405
74	Mr. Bingham to Mr. Knox	Mar. 16	Attacks on Chinese. Refers to his No. 66 and incloses letter from Chinese Colony on impracticability of appealing to the courts and requesting the good offices of the United States.	435
75	Same to same	Mar. 18	Insurrection. Observations concerning requests for asylum and action relating thereto.	405
	Mr. Young to Mr. Knox	Mar. 22	Same subject. Incloses report of Capt. Cordier on recent uprising.	406
	Mr. Bingham to Mr. Knox (telegram).	Mar. 23	Sanitation of Guayaquil. Transmits Dr. Parker's report as to essential measures to be included in convention.	425
77	Same to same	...do...	Same subject. Refers to Department's Mar. 13 and incloses a memorandum prepared in collaboration with Dr. Parker regarding desirable features of the proposed convention.	425
40	Mr. Wilson to Mr. Bingham	Mar. 30	Attacks on Chinese. Refers to Mr. Bingham's No. 66, approves his action, and instructs to submit informal representations to the Government of Ecuador.	436
80	Mr. Bingham to Mr. Knox	Apr. 8	Insurrection. General Plaza elected President	409
	Mr. Wilson to Mr. Bingham (telegram).	Apr. 17	Guayaquil & Quito Ry. Railway company needs immediately 100,000 sucres for coal. Instruction to request what action Ecuador will take.	412
	Mr. Bingham to Mr. Knox (telegram).	Apr. 21	Same subject. General Plaza says he will try to procure 100,000 sucres under certain conditions, and more later.	413
	Mr. Knox to Mr. Bingham (telegram).	Apr. 23	Same subject. Railway statement shows 375,000 sucres due, exclusive of services and damages during revolution. Instructs to propose to Ecuador certain bases for payment and to press for immediate payment of the 100,000 sucres.	413

ECUADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bingham to Mr. Knox (telegram).	1912. Apr. 25	Same subject. Ecuador offers 50,000 sucres cash, 50,000 draft at 90 days; 50,000 more in May is impossible; demands arbitration of all bills prior to revolution. Other details.	414
43	Mr. Wilson to Mr. Bingham.	Apr. 29	Attacks on Chinese. Refers to Mr. Bingham's No. 74 and Department's No. 40.	436
	Same to same (telegram).... (telegram).	May 3	Guayaquil & Quito Ry. Railway company can not accept Ecuador's proposal given in Mr. Bingham's Apr. 25; it is not in keeping with statement in his Apr. 21. Instructs to say that this Government can not permit destruction of so important an American enterprise.	414
	Mr. Bingham to Mr. Knox (telegram).	May 4	Same subject. Ecuador now has 86,000 sucres ready and will have 14,000 more in one month; desires investigation of the claims and is ready to arbitrate.	415
	Same to same (telegram)....	May 5	Same subject. Ecuador says mortgages will not be paid unless railway compromises revolution bills; interest questions and approved bills to be submitted to arbitration.	415
44	Mr. Wilson to Mr. Bingham.	May 6	Insurrection. His action as to requests for asylum approved as reported in his No. 75 of Mar. 18. Refer to Department's No. 38 of Jan. 30.	410
94	Mr. Bingham to Mr. Knox..	May 7	Guayaquil & Quito Ry. Instruction of Apr. 23 delivered Apr. 25; incloses copy.	415
	Mr. Wilson to Mr. Bingham (telegram).	May 11	Same subject. Ecuadorian Minister says his Government will pay 100,000 sucres if a legal representative of the company previously fixes the amount of the claim. Reference to instruction of May 3, and instructs to say that Ecuador's counterclaims can be considered only after payment of the 100,000, which is indisputably owing.	416
	Mr. Bingham to Mr. Knox (telegram).	May 14	Same subject. A note from Government of Ecuador offers 280,000 sucres to cancel revolution bill; 86,000 cash, 14,000 at 90 days, 50,000 monthly. If railway refuses, Ecuador reserves right to arbitrate and insists on review of prerevolution bills. Alternative offer: To pay 100,000 sucres now and refer all other points to arbitration.	417
97	Same to same..............	...do.....	Sanitation of Guayaquil. Refers to his No. 77 of Mar. 23 and incloses a memorandum dated May 6 from the Foreign Office suggesting a preliminary investigation by the Panama Canal Commission. If the Coignet contract expire, the funds set apart in conformity with that contract would be available, or other funds could be raised by bond issue; other suggestions; an early visit by a board of American engineers urged.	427
	Mr. Wilson to Mr. Bingham (telegram).	May 15	Guayaquil & Quito Ry. A note has been sent to Legation of Ecuador suggesting sending immediately to the Government of Ecuador statement of the amounts due from the company to Ecuador, in order to hasten settlement.	417
	Same to same (telegram)....	May 16	Same subject. Send essential text of note referred to in your May 14.	418
	Mr. Bingham to Mr. Knox (telegram).	May 18	Same subject. Quotes note requested in Mr. Wilson's May 16.	418
	Mr. Knox to Mr. Bingham (telegram).	May 22	Same subject. Instructs to say that offer in note quoted in Mr. Bingham's May 14 and May 18 is entirely unacceptable. The alternative proposal, however, is accepted. The railway company wishes the immediate organization of the arbitral tribunal.	419
	Mr. Bingham to Mr. Knox (telegram).	May 24	Same subject. The Government of Ecuador formally requests appointment by the United States of an arbitrator.	419
	Mr. Wilson to Mr. Bingham (telegram).	May 27	Same subject. Has payment of the 100,000 sucres been made?	420
	Mr. Bingham to Mr. Knox (telegram).	May 29	Same subject. 57,230 sucres paid; New York drafts 28,770 and 14,000 sucres.	420
	Same to same (telegram)....	June 29	Sanitation of Guayaquil. The Coignet contract expires June 30, and Ecuador desires to begin negotiations with the United States.	429
	Mr. Wilson to Mr. Bingham (telegram).	July 5	Same subject. This Department is awaiting the reply of the War Department.	429
	Mr. Knox to Mr. Bingham (telegram).	July 17	Attacks on Chinese. Quotes telegram from Peking requesting Legation's good offices; refers to Department's No. 61 of Aug. 22, 1908, for Legation's guidance.	436

ECUADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
119	Mr. Bingham to Mr. Knox..	July 18	Same subject. Refers to Department's July 17, reports renewal of attacks on Chinese, and representations by the Legation to the Foreign Office, which is awaiting receipt of documentary evidence on which to base action.	436
	Mr. Knox to Mr. Bingham (telegram).	July 25	Sanitation of Guayaquil. Refers to Mr. Bingham's No. 97 of May 14, and instructs him to inform Ecuador that the War Department will appoint a board of Engineers, headed by Col. Gorgas, to be paid by Ecuador.	429
125	Mr. Bingham to Mr. Knox..	July 27	Same subject. Refers to Department's July 25 and incloses note to Foreign Office embodying the instructions sent.	430
	Same to same (telegram)....	July 28	Same subject. Refers to Department's July 25, and transmits note No. 357 from the Foreign Office referring to its note of May 6 and urging the conclusion of the convention therein discussed. Mr. Bingham adds that $8,100 will be immediately available.	431
	Mr. Knox to Mr. Bingham (telegram).	July 30	Same subject. Instruction to say that there are objections to the terms of the proposed convention and that a preliminary investigation is desirable to the formulation thereof.	431
128	Mr. Bingham to Mr. Knox..	Aug. 6	Same subject. Refers to Department's July 30 and incloses note to Foreign Office embodying its instruction.	431
	Mr. Knox to Chinese Legation.	Aug. 7	Attacks on Chinese. Transmits purport of Mr. Bingham's July 18.	437
130	Mr. Bingham to Mr. Knox..	Aug. 12	Insurrection. Dr. Moreno elected Acting President until inauguration of Gen. Plaza.	410
620	Mr. Calhoun to Mr. Knox....	Aug. 23	Attacks on Chinese. Incloses memorandum of Chinese Foreign Office, thanking this Government for its good offices.	438
136	Mr. Bingham to Mr. Knox..	Sept. 4	Insurrection. Gen. Plaza inaugurated Aug. 31......	410
	Same to same (telegram)....	Sept. 5	Sanitation of Guayaquil. The Government of Ecuador has placed $8,100 gold to the credit of the Legation. Urgent that Col. Gorgas come soon.	432
	Mr. Wilson to Mr. Bingham (telegram).	Oct. 5	Same subject. Congressional authorization necessary to permit our officials to go to Ecuador, but Congress has adjourned. The Department will avoid delay as far as possible.	432
	Same to same (telegram)....	Oct. 23	Guayaquil & Quito Ry. Instructs to inform Ecuador that the President is ready to appoint arbitrator; and to report what action has been taken by Ecuador as to the protocol submitted by the railroad relative to the jurisdiction of the tribunal, and other pertinent matters.	420
	Mr. Bingham to Mr. Knox (telegram).	Oct. 28	Same subject. Ecuador states that arbitrator will be appointed when the name of the American arbitrator is known. The railway protocol will be submitted to the tribunal.	420
	Mr. Wilson to Mr. Bingham (telegram).	Nov. 9	Same subject. Ecuador apparently intends to provoke reconsideration of matters already adjudicated. Instructs to say that the present dispute involves only transactions subsequent to Sept. 30, 1908.	421
	Mr. Knox to Mr. Bingham (telegram).	Nov. 14	Same subject. Instructs to say that the President has appointed Henry L. Janes to be arbitrator.	421
	Same to same (telegram)....	Dec. 2	Sanitation of Guayaquil. Col. Gorgas and party will leave Dec. 4 for Guayaquil.	433
197	Mr. Wither to Mr. Knox...	Dec. 4	Insurrection. Incloses President Plaza's letter to the President informing him of the inauguration.	411
	Mr. Knox to Mr. Bingham (telegram).	Dec. 5	Sanitation of Guayaquil. Instruction to cooperate with Col. Gorgas. The Government of Ecuador has expressed a desire for bids from American firms upon the bases to be reported by Col. Gorgas.	433
11	Mr. Knox to Mr. Wither....	Dec. 12	Insurrection. Acknowledges receipt of his Dec. 4...	411
160	Mr. Bingham to Mr. Knox..	Dec. 13	Sanitation of Guayaquil. Reports that Col. Gorgas and party paid an official visit to the Governor of Guayaquil; the $8,100 were placed to the order of Col. Gorgas.	433
	Same to same (telegram)....	Dec. 18	Guayaquil & Quito Ry. The Government of Ecuador has appointed Dr. Alfredo Baquerizo Moreno to represent Ecuador on the arbitral tribunal.	422
172	Same to same...............	Dec. 20	Sanitation of Guayaquil. Describes the official visit of Col. Gorgas and party to President Plaza. The party will leave for Panama Dec. 21.	434

FRANCE.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Jusserand to Mr. Knox..	1912. Apr. 6	Champlain celebration. Notification that a distinguished delegation of his countrymen will arrive Apr. 26 to present to the Champlain Committee a bust representing "La France" to be placed on the monument commemorating the discovery by Samuel Champlain of the lake bearing his name.	440
	Mr. Bacon to Mr. Knox......	Apr. 10	Same subject. Gives the names of the France-Amérique delegation referred to in Mr. Jusserand's Apr. 6.	441
	Mr. Wilson to Mr. Jusserand.	Apr. 17	Same subject. Acknowledges Mr. Jusserand's note of Apr. 6 and says that the usual courtesies will be observed as to baggage.	442
	The French Delegation to President Taft (telegram).	May 1	Same subject. Express their appreciation of Mr. Taft's attentions.	442
	Mr. Hanotaux to President Taft.	May 3	Same subject. Renews in behalf of the Delegation their thanks for his courtesies.	443
43	Mr. Herrick to Mr. Knox...	June 20	Same subject. Describes the annual banquet of the Comité France-Amérique, devoted to the Champlain Delegation.	443

GERMANY.

No.	From and to whom.	Date.	Subject.	Page.
	....	1912. May 25	Wireless telegraph convention between the United States and other powers. Text.	444

GREAT BRITAIN.

No.	From and to whom.	Date.	Subject.	Page.
	....	1911. Dec. 21	Panama Canal tolls. Extract from the message of the President, of Dec. 21, 1911.	467
	Mr. Ragsdale to Mr. Knox (telegram).	1912. Apr. 23	The *Titanic*. The bodies recovered from the wreck will soon arrive at Halifax. Asks about border regulations.	494
	Mr. Knox to Mr. Ragsdale (telegram).	Apr. 24	Same subject. Refers to Mr. Ragsdale's Apr. 23. There are no quarantine regulations if the bodies are embalmed.	495
	Mr. Ragsdale to Mr. Knox (telegram).	Apr. 29	Same subject. Inquires about disposition of effects found on bodies.	495
	Mr. Wilson to Mr. Ragsdale (telegram).	...do.....	Same subject. No American consular jurisdiction in the absence of a treaty with Great Britain.	495
139	Mr. Ragsdale to Mr. Knox..	Apr. 30	Same subject. After consulting the Provincial authorities and receipt of Department's Apr. 29, Mr. Ragsdale has taken no further steps in the matter.	495
	Mr. Innes to Mr. Knox......	July 8	Panama Canal tolls. Certain features of the proposed Panama Canal bill would involve an infraction of the Hay-Pauncefote treaty.	469
1032	Mr. Reid to Mr. Knox (telegram).	July 15	Same subject. Relates a conversation with Sir Edward Grey concerning certain proposed features of the Panama Canal bill.	470
	....	Aug. 24	Same subject. Panama Canal act (H. R. 21969). Sections 5 and 11 of the act.	471
	The President to Congress...	...do.....	Same subject. Memorandum accompanying the Panama Canal act; gives and answers arguments of British Government against the act.	475
	Mr. Innes to Mr. Knox......	Aug. 27	Same subject. The British Government adheres to the views expressed in Mr. Innes's note of July 8, 1912, and will communicate further after studying the President's memorandum. Asks for consent to arbitration of conflicting interpretations of the Hay-Pauncefote Treaty.	480
	Mr. Wilson to Mr. Innes....	Aug. 30	Same subject. Acknowledgment of receipt of Mr. Innes's note of Aug. 27, 1912.	480
	....	Nov. 13	Same subject. Proclamation by the President. Establishes Canal tolls.	481
	Sir Edward Grey to Mr. Bryce.	Nov. 14	Same subject. Objections of the British Government to exemption from payment of canal tolls of vessels in the coastwise trade of the United States, and to other features of the Panama Canal Act; interpretation of the Hay-Pauncefote Treaty in relation thereto; arguments against the position of the President in his memorandum of Aug. 24, 1912.	481
	....	Nov. 16	North Atlantic Coast Fisheries Arbitration. Agreement between the United States and Great Britain. Text.	489

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Bryce.....	1912. Dec. 12	The *Titanic*. The President will present the Congressional medal to Capt. Rostron, Mar. 1, 1913.	496
	King George V to President Taft (telegram).	Dec. 15	Death of Ambassador Reid. Expression of condolence.	497
	President Taft to King George V (telegram).	...do.....	Same subject. Expression of gratitude for the message of condolence.	497
1121	Mr. Laughlin to Mr. Knox (telegram).	...do.....	Same subject. Announces the death of the Ambassador and Mr. Laughlin's control of the Embassy as Chargé d' Affaires.	498
1122	Same to same (telegram)....	Dec. 16	Same subject. The British Government offers a warship to convey the body of the Ambassador.	498
	Mr. Knox to Mr. Laughlin (telegram).	Dec. 17	Same subject. Mrs. Reid's preferences as to acceptance of the British Government's offer will decide. When ascertained convey them to Sir Edward Grey, with this Government's high appreciation of the courtesy.	498
	Same to same (telegram)....	...do.....	Same subject. Express the thanks of this Government for Mr. Bryce's expression of his Government's condolence.	498
1123	Mr. Laughlin to Mr. Knox (telegram).	Dec. 18	Same subject. Mrs. Reid's thanks for leaving to her the decision regarding the offer of the British Government.	499
	Mr. Knox to Mr. Laughlin (telegram).	...do.....	Same subject. Mrs. Reid's decision is gratifying to the Department.	499
	Mr. Laughlin to Mr. Knox (telegram).	...do.....	Same subject. The Dean of Westminster offers the Abbey for a memorial service. Mrs. Reid has accepted.	499
1126	Same to same (telegram)....	Dec. 19	Same subject. The British Cruiser *Natal* will bear the body of the Ambassador from Portsmouth Dec. 21, to arrive in New York Jan. 3.	499
	Mr. Brice to Mr. Knox......	Dec. 24	The *Titanic*. Arrangements have been made for Capt. Rostron's presence in Washington Mar. 1, 1913.	497

GUATEMALA.

	Mr. Méndez to Mr. Wilson..	1912. Feb. 12	Visit of Secretary Knox. Expresses the pleasure of Guatemala upon learning of Mr. Knox's projected visit.	511
	Same to same..............	Feb. 19	Same subject. Refers to the Department's letter of Feb. 13, relating to Mr. Knox's visit to Guatemala and to Mr. Méndez's note Feb. 12; adds further expression of Guatemala's pleasant anticipation of the visit.	512
231	Mr. Hitt to Mr. Knox.......	Apr. 8	Same subject. Relates the events of the visit and incloses speeches delivered at the various formal functions.	512
9	Mr. Knox to Mr. Méndez....	May 23	Financial affairs. This Government informs Guatemala of the firm attitude assumed by the British Government in regard to the claims of British holders of Guatemalan bonds; this Government may be unable further to delay British enforcement of those claims unless steps are taken to settle them before the adjournment of the Guatemalan Assembly.	500
	Mr. Méndez to Mr. Knox...	May 31	Same subject. Refers to Mr. Knox's note of May 23. The most acceptable loan proposal of the bankers will require 60 days to perfect its terms.	500
	Mr. Knox to Mr. Méndez....	June 12	Same subject. Acknowledges Mr. Méndez's May 31.	501
	Mr. Innes to Mr. Knox......	Aug. 28	Same subject. The British Government had demanded of Guatemala the submission of the British claims to arbitration and requests the good offices of the United States in securing Guatemala's assent thereto.	501
	Mr. Adee to Mr. Hitt (telegram).	Sept. 14	Same subject. Notifies the American Chargé d'Affaires at Guatemala that the Minister of Guatemala insists on the exercise by this Government of its friendly good offices with the British Government for the latter's delay of its demand for settlement; that the Department accordingly in an aide-mémoire of Sept. 13 stated to the Guatemalan Government that it would urge upon the British Government a delay of 20 days, expiring Sept. 16, of its demand for arbitration; but that if Guatemala should not act within that time, this Government could not further intervene.	502

GUATEMALA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Méndez to Mr. Knox....	1912. Sept. 18	Same subject. Refers to the Department's aide-mémoire of Sept. 13 and delivers the reply of Guatemala dated Sept. 17, which states that circumstances over which it has no control prevent a settlement within the stipulated time. Mr. Méndez adds that the British Government has been requested to specify the basis upon which it desires arbitration.	503
	Mr. Wilson to Mr. Innes.....	Sept. 21	Same subject. Refers to Mr. Innes's Aug. 28 to the Department's aide-mémoire to Guatemala dated Sept. 13 and Mr. Méndez's reply of Sept. 18; requests Mr. Innes to ascertain whether his Government will consent to a delay of 20 days, beginning Sept. 17.	503
	Mr. Bryce to Mr. Wilson....	Sept. 29	Same subject. Refers to Mr. Wilson's letter of Sept. 21 to Mr. Innes, and says the British Government, while not objecting to a delay of 20 days, do not desire a settlement of any kind, but a restitution of the revenue through which they are entitled to recover.	504
	Same to same...............	Sept. 30	Same subject. Refers to his Sept. 29 and thanks Mr. Knox for the action taken as communicated to Mr. Innes in Mr. Wilson's note of Sept. 21.	505
	Same to same...............	Oct. 19	Same subject. Refers to Mr. Wilson's Sept. 21 and to the expiration of the stipulated 20 days.	505
	Mr. Méndez to Mr. Knox....	Oct. 25	Same subject. Urges this Government to procure from the British Government a few days further delay.	506
	Mr. Wilson to Mr. Bryce....	Oct. 29	Same subject. Refers to Mr. Bryce's Oct. 19. The bankers are conferring with Guatemala, and this Government would be interested to know the British opinion regarding that negotiation.	506
	Mr. Bryce to Mr. Knox.....	Nov. 13	Same subject. Refers to Mr. Wilson's Sept. 25 [21] to Mr. Innes, and to a recent interview at the Department regarding a proposed further delay which it is hoped this Government will reconsider.	507
	Mr. Knox to Mr. Reid......	Dec. 6	Same subject. Incloses a copy of a signed memorandum dated Dec. 3, which was delivered Dec. 3 to the British Ambassador. Instructs Mr. Reid to explain the general policy of this Government toward Central America, and to say: That the security offered by the new Guatemalan bonds is better than the coffee revenues, with the reasons therefor; that the American plan set forth in the memorandum will insure the future interest; that cooperation between the United States and Great Britain should be emphasized. The inclosed memorandum urges the British Government to await the completion of negotiations between Guatemala and the bankers for a loan secured on the customs revenues involving a comprehensive bond issue refunding the whole debt of Guatemala. If this plan is not perfected within a reasonable time this Government will at once support Great Britain in demanding restitution of the coffee revenues.	508
103	Mr. Knox to Mr. Hitt.......	Dec. 11	Same subject. Incloses copy of the signed memorandum delivered to Mr. Bryce on Dec. 3 and a copy of the British note of Nov. 13, on which it was based; instructs Mr. Hitt to hold them for such use as may later be indicated.	510
	Mr. Bryce to Mr. Knox.....	Dec. 30	Same subject. Refers to Mr. Knox's Dec. 2[3], and replies that the question of the bond conversion therein discussed is entirely apart from the restitution of the bondholder's rights to the coffee revenues, the point upon which the British Government must continue to insist; and it is hoped that the good offices of the United States will make other measures needless.	510

HAITI.

No.	From and to whom.	Date.	Subject.	Page.
977	Mr. Furniss to Mr. Knox....	1911. Nov. 25	Syrians in Haiti. The Haitian Government has renewed its attacks on foreign retail merchants. American citizens of Syrian birth have been molested, and the Minister has protested.	523

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
989	Same to same	1911. Dec. 19	Same subject. The prompt attention of this Government is required to protect American citizens of Syrian origin. Incloses an identic note, dated Dec. 18, addressed to the Foreign Office by the members of the diplomatic corps.	524
1012	Same to same	1912. Jan. 16	Same subject. Incloses note, dated Dec. 26, from the Foreign Office, replying to the identic note of Dec. 18; also incloses an identic note of the members of the diplomatic corps, dated Jan. 3, replying to the foregoing.	527
	Mr. Wilson to Mr. Furniss	Jan. 20	Same subject. Refers to Mr. Furniss's 977 and 989. Instructions to require adequate time for merchants to close out their stocks; to object to discrimination between Syrians of different nationalities.	529
42	Mr. Bryce to Mr. Knox	Feb. 8	Same subject. Requests the cooperation of this Government to induce Haiti to abandon its policy as to Syrian merchants. If refused, steps will be taken to secure just treatment from Haiti.	531
1026	Mr. Furniss to Mr. Knox	Feb. 12	Same subject. Refers to Department's instructions of Jan. 20; relates the substance of interview with Secretary Léger and the President, who promised extension of time, where needful, to Americans of Syrian birth.	532
	Mr. Ménos to Mr. Wilson	Feb. 15	Visit of Secretary Knox. Expresses the pleasure of Haiti at the announcement of the Secretary's visit, contained in the Department's letter of Feb. 13.	541
1418	Mr. Wilson to Mr. Bryce	Feb. 16	Syrians in Haiti. Refers to Mr. Bryce's Feb. 8, and regrets that this Government can not take the action desired. There is no treaty between the United States and Haiti nor anything in our law and practice in regard to exclusion of Orientals that would warrant it.	533
138	Mr. Rockhill to Mr. Knox	...do...	Same subject. Transmits copy of a note verbale from the Sublime Porte, requesting the aid of this Government in behalf of Syrians in Haiti.	535
7	Mr. Wilson to Mr. Ménos	Mar. 5	Same subject. Refers to their conversation regarding the Syrians; adds that this Government does not question Haiti's general right to exclude foreigners, but such exclusions must conform to international law and the laws of Haiti; protests against the discrimination practiced.	536
122	Mr. Wilson to Mr. Rockhill	Mar. 22	Same subject. Refers to Mr. Rockhill's 138, and suggests informing the Turkish Foreign Office that it is not practicable to take the action requested.	537
	Haitian officials to Mr. Knox	Apr. 3-4	Visit of Secretary Knox. Speeches, with replies by Mr. Knox, at various functions in his honor.	542
	Mr. Furniss to Mr. Knox (telegram).	May 21	Syrians in Haiti. The French war vessel *Descartes* has arrived, to remain pending settlement of Syrian question, in behalf of Turkish interests.	538
	Same to same (telegram)	May 29	Same subject. The Haitian Government refuses to extend the time for closing out stocks of Syrian merchants.	538
	The Department to the French Embassy.	...do...	Same subject. In response to the verbal request of the French Ambassador for this Government's cooperation in regard to the Syrians, the Ambassador is informed that the United States must act independently on the point involved.	538
	Syrian American Club to the Department (telegram).	...do...	Same subject. Requests this Government's protection of Syrians in Haiti.	538
	Mr. Knox to Mr. Furniss (telegram).	May 30	Same subject. Refers to Syrian Club's telegram, and instructs to insist, if necessary, on proper treatment of Syrians and their property, on adequate time for selling out their stocks, and on equal treatment for Syrians of all nationalities.	539
	Mr. Knox to Syrian Club (telegram).	...do...	Same subject. Refers to their telegram and outlines instructions to Mr. Furniss.	539
	Mr. Furniss to Mr. Knox (telegram).	June 1	Same subject. Haitian Government promises not to close stores of American citizens of Syrian origin.	539
1086	Same to same	June 19	Same subject. Incloses note from Foreign Office dated Jan. 29, 1912, referring to Mr. Furniss's note (inclosed with his dispatch 1012 of Jan. 16), and denies that Haiti is acting in the Syrian matter contrary to international or Haitien law.	540
1094	Same to same	July 5	Same subject. Haitian Government has permitted Ottoman subjects of Syrian origin an extension of time to Sept. 30 for closing out their stocks, in pursuance of the good offices of the French Legation. Very few Syrians remain in Haiti.	541

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1093	Same to same	1912. July 5	Message of the President and Report of the Minister for Foreign Affairs. Incloses copies of the foregoing.	521
	Same to same (telegram)	Aug. 8	Death of President Leconte. Announces the accidental killing of the President by an explosion in the palace.	547
	Same to same (telegram)	...do...	Recognition of President Auguste. The oath of office was administered to President Tancrède Auguste Aug. 8.	547
	Mr. Ménos to Mr. Knox	Oct. 3	Same subject. Transmits President Auguste's letter announcing to President Taft his election to exercise the executive power.	547
	Mr. Knox to Mr. Furniss	Oct. 28	Same subject. Incloses copy of a letter from President Taft to President Auguste, referring to the latter's letter announcing his election, and expressing President Taft's best wishes.	548

HONDURAS.

No.	From and to whom.	Date.	Subject.	Page.
	....	1909. Sept. —	Financial affairs. Memorandum prepared by the Department of State concerning the proposed adjustment of the debt of Honduras by the United States.	549
	Mr. Knox to Mr. McCreery (telegram).	1911. Jan. 11	Same subject. The loan convention between the United States and Honduras was signed Jan. 10 by the plenipotentiaries at Washington.	554
	Mr. Knox to Mr. Bryce	...do...	Same subject. The loan convention was signed Jan. 10.	554
	Mr. Knox to Mr. McCreery (telegram).	Jan. 16	Same subject. The text of the loan convention sent the Minister Jan. 3 is accurate, save the date paragraph.	555
	....	Jan. 26	Same subject. Text of the loan convention submitted to Congress, together with a message from the President urging its approval.	555
	Mr. McCreery to Mr. Knox (telegram).	Jan. 31	Same subject. The Honduran Congress rejected the loan convention Jan. 31.	562
	Mr. Conant to Mr. Knox	Feb. 6	Same subject. Submits his expert opinion, as requested by the Department, on the financial aspects of the proposed loan by American bankers.	562
	Mr. Wilson to Mr. Lazo	Feb. 8	Same subject. The Department has concluded its preliminary examination of the loan contract.	566
	Mr. Conant to Mr. Knox	Feb. 11	Same subject. The changes made in the loan contract since his letter of Feb. 6 do not modify his views then expressed.	567
	Mr. Wilson to Mr. Lazo	...do...	Same subject. The loan contracts are satisfactory to the bankers, who are ready to execute them when the Minister is prepared to do so.	567
	Mr. Knox to Mr. Cullom	Feb. 13	Same subject. Submits a detailed account of the negotiation of the loan convention, and incloses a copy of the loan contract.	568
	Mr. Wilson to Mr. McCreery (telegram).	Feb. 16	Same subject. The loan contracts were executed in English on Feb. 15.	572
	Mr. Lazo to Mr. Knox	Feb. 20	Same subject. The Minister has executed the loan contracts.	573
	Mr. McCreery to Mr. Knox (telegram).	Feb. 21	Same subject. The Honduran Assembly on Feb. 20 prohibited the conclusion of any loan contract pending a report by a special commission.	573
	Mr. Knox to Mr. Cullom	Feb. 27	Same subject. Incloses copies, for the Senate Committee on Foreign Relations, of the remarks by the bankers' attorney, Mr. Jennings, before that committee.	573
23	Mr. Knox to Mr. Lazo	Mar. 4	Same subject. The loan contract has been filed in the Department of State.	576
161	Mr. McCreery to Mr. Knox	Mar. 25	Same subject. Incloses copy of a manifesto of the Honduran Congress explaining its rejection of the loan convention.	577
	Mr. Knox to various Senators	May 3	Same subject. Informs the members of the Senate Committee on Foreign Relations of the reasons for attitude of the Department in favor of the loan convention.	581
176	Mr. McCreery to Mr. Knox	...do...	Same subject. Incloses an article from El Nuevo Tiempo in support of the loan convention.	582
	Mr. Knox to Mr. Cullom	May 18	Same subject. Accepts invitation to be present at a meeting May 24 of the Senate Committee on Foreign Relations.	583
	Mr. Knox to the Senate Committee.	May 24	Same subject. Statement in favor of the loan convention.	583
232	Mr. Wright to Mr. Knox	Aug. 30	Same subject. Mr. Zemurray was empowered on Aug. 29 by the President of Honduras to negotiate in the United States a loan of $500,000.	607

HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
85	Mr. White to Mr. Knox	1912. Feb. 4	Same subject. Incloses the terms of the loan contract, negotiated by Mr. Zemurray, between Honduras and the Whitney Central National Bank of New Orleans for $500,000.	607
	Mr. Knox to Mr. Cullom	Feb 6	Same subject. Refers to his Feb. 13, 1911, and states that the loan contract therein mentioned has lapsed by limitation of time.	608
	Mr. Dávila to Mr. Wilson	Feb. 15	Visit of the Secretary of State to Honduras. Expresses the pleasure it will give Honduras to receive Mr. Knox.	624
	Mr. Wilson to Mr. White (telegram).	...do...	Same subject. Asks how long it will take to make the round trip, Tegucigalpa to Amapala.	625
	Mr. White to Mr. Knox (telegram).	Feb. 16	Same subject. The round trip will require six days.	626
	Same to same (telegram)	Feb. 27	Same subject. Inquires for date of visit	626
105	Mr. White to Mr. Knox	...do...	Financial affairs. The loan negotiated by Mr. Zemurray was approved Feb. 26 by the Honduran Congress, with certain significant alterations.	609
	Mr. Wilson to Mr. White (telegram).	Feb. 29	Visit of the Secretary of State to Honduras. It will be impossible for the Secretary to give the time necessary to go to Tegucigalpa.	626
55	Mr. Wilson to Mr. White	Mar. 6	Financial affairs. Acknowledges his No. 85. Instructs him to do all he can to obtain ratification of the loan convention.	609
	Honduran officials to Mr. Knox.	Mar. 8-9	Visit of the Secretary of State to Honduras. Speeches of welcome, and replies of Mr. Knox.	626
	Mr. Wilson to Mr. Cullom	Mar. 18	Financial affairs. Refers to the Department's Feb. 6 and informs him of the loan negotiations of Honduras with the Whitney Bank, and the terms.	610
	Mr. White to Mr. Knox (telegram).	Apr. 13	Same subject. The President of Honduras will not again submit the present loan convention to the Assembly, but is disposed to favor some new convention.	611
	....	Apr. 16	Same subject. Memorandum of the Department on the status of the loan negotiations.	611
	Mr. Dávila to Mr. Knox	...do...	Same subject. Informs him that the Honduran Congress disapproved the loan convention Jan. 31.	613
118	Mr. White to Mr. Knox	Apr. 18	Same subject. Reports more fully the substance of his telegram of Apr. 13.	614
	Mr. Sheldon to Mr. Knox	May 15	Same subject. Introduces Mr. Sol Wexler, of the Whitney Bank.	615
	President Bonilla to President Taft.	June 5	Visit of the Secretary of State to Honduras. Honduras is cordially appreciative of the visit of Secretary Knox, as Doctor Membreño, on special mission, will state in person.	630
	Mr. Wexler to Mr. Clark (telegram).	June 8	Financial affairs. The President of Honduras cables that in case of differences between Honduras and the bankers, Honduras would accept as arbitrator the Chief Justice of the Supreme Court of the United States. Mr. Wexler desires to know whether or not this would be as suitable for the bankers as if the arbitrator were the Secretary of State.	615
	....	June 11	Same subject. Memorandum of the Department of a conversation with Mr. Zemurray, who was informed unofficially what the best plan for arbitration would be, in the informal and unofficial opinion of the Department.	616
	Mr. Wexler to Mr. Clark	...do...	Same subject. Refers to his telegram of June 8 and makes further inquiries on the subject of arbitration.	617
	Mr. Belden to Mr. Knox	June 13	Same subject. Incloses notes that passed between the Governments of Honduras and Salvador relating to the latter's offer of its good offices in the financial affairs of Honduras.	617
	Mr. Knox to Mr. Wexler	June 18	Same subject. Acknowledges his telegram of June 8 and his letter of June 11; the matter referred to has been taken up with Mr. Zemurray.	618
	President Taft to President Bonilla.	July 5	Visit of the Secretary of State to Honduras. Doctor Membreño has presented His Excellency's letter of June 5, the sentiments of which are cordially reciprocated.	631
	....	July 10	Extradition convention between the United States and Honduras; text.	619

ITALY.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
1635	Signor Catalani to Mr. Knox.	Oct. 18	War with Turkey. Announces conclusion of a treaty of peace, a Lausanne, Oct. 18. Requests recognition of Italian sovereignty over Tripoli and Cyrenaica.	632
	Mr. Adee to Signor Catalani.	Oct. 21	Same subject. Refers to his note of Oct. 18, with which this Government is much gratified.	632
111	Mr. Knox to Mr. O'Brien...	Dec. 5	Same subject. Refers to the Ambassador's Oct. 30. The Department will instruct him later in regard to the question of its extraterritorial rights in Tripoli and Cyrenaica.	633

JAPAN.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
44	Mr. Bryan to Mr. Knox.....	Mar. 5	Tokio Exhibition. Transmits notification of abandonment of the project to hold an international exhibition in Tokyo in 1917.	647
	Mr Chinda to Mr. Knox....	Mar. 6	Same subject. Copy of instructions from the Japanese Foreign Office to notify this Government of the abandonment of the projected international exposition at Tokyo.	648
334	Mr. Neville to Mr. Knox....	Apr. 22	Land laws of Chosen. Transmits ordinances of the Government General of Chosen relating to registration of land titles, effective Apr 1, 1912.	642
86	Mr. Bryan to Mr. Knox.....	June 14	Same subject. Refers to his Feb. 7, 1911, and incloses copy of a dispatch of June 7, 1912, from the Consul General at Seoul, inclosing a circular issued that day notifying foreigners to present evidences of title to their lands. Incloses also his own note dated June 14 on the subject to the Japanese Foreign Office.	643
	Mr. Chinda to Mr. Knox....	July 29	Death of Emperor Mutsuhito. Notification of His Majesty's death July 30 (Japanese time).	634
	President Taft to the Empress Dowager (telegram).	...do.....	Same subject. Expression of condolence.	634
	President Taft to Emperor Yoshihito (telegram).	...do.....	Same subject. Expression of condolence.	634
	Mr. Knox to Mr. Bryan (telegram).	...do.....	Same subject. Instruction to make suitable expression of the sympathy of the President, the Government, and the people of the United States.	635
	Mr. Knox to Viscount Uchida (telegram).	...do.....	Same subject. Expression of sympathy.	635
	Mr. Knox to Mr. Chinda....	July 30	Same subject. Acknowledges Mr. Chinda's July 29, and informs him that he has conveyed the sad news to the President, who has already sent his expressions of condolence.	635
	Mr. Bryan to Mr. Knox.....	Aug. 2	Land laws of Chosen. Refers to his June 14 and incloses the answer of the Japanese Foreign Office to his note of June 14.	644
	Viscount Uchida to Mr. Chinda.	Aug. 12	Death of Emperor Mutsuhito. Copy of an instruction to transmit the gratification of Emperor Yoshihito at the appointment of Mr. Knox as Special Ambassador to assist at the obsequies of His late Majesty.	636
	President Taft to Emperor Yoshihito.	Aug. 13	Same subject. The Secretary of State, Mr. Knox, will be the President's personal Special Ambassador at the obsequies of the late Emperor, if agreeable to His Majesty; and will be accompanied by General Pershing and Admiral Reynolds.	636
14	Viscount Uchida to Mr. Bryan.	Aug. 17	Same subject. Conveys the thanks of His Majesty for the appointment of the Secretary of State to represent this Government at the obsequies of the late Emperor Mutsuhito.	637
367	Mr. Scidmore to Mr. Knox..	Aug. 23	Land laws of Chosen. Incloses an ordinance and regulations dated Aug. 13 relating to land surveys and titles.	645
43	Mr. Adee to Mr. Bryan......	Sept. 7	Same subject. Approves the Ambassador's action as reported in his Aug. 2, 1912. Notes with satisfaction that the new land laws of Chosen are not intended to affect in any way the validity of consular registrations.	646
44	Mr. Chinda to Mr. Adee.....	Oct. 11	Accession of Emperor Yoshihito. Transmits the autograph letter of Emperor Yoshihito announcing the death of Emperor Mutsuhito, and his own accession to the throne.	637
	Mr. Adee to Mr. Chinda.....	Oct. 16	Same subject. The autograph letter of the Emperor has been laid before the President, whose reply will be delivered by the American Ambassador.	638
382	Mr. Scidmore to Mr. Knox..	Nov. 2	Land laws of Chosen. Incloses semiofficial publication stating that issue of title deeds will be unnecessary under the new laws.	646
	Mr. Knox to President Taft.	Nov. 15	Death of the Emperor Mutsuhito. Report of the Special Ambassador of his mission.	638

LIBERIA

No.	From and to whom.	Date.	Subject.	Page.
10	Mr. Crum to Mr. Knox......	1911. Apr. 17	Reorganization of the Liberian Frontier Force under American officers. Transmits request of the Liberian Government for the nomination of American army officers.	662
10	Mr. Knox to Mr. Crum......	May 25	Same subject. The matter of appointment of American officers will receive consideration.	663
25	Mr. Crum to Mr. Knox......	1912. Jan. 8	Disturbances on the Anglo-Liberian Frontier. Reports that an encounter took place in the neutral zone between Liberian and British troops, four Liberians being killed.	652
	Same to same (telegram)....	Jan. 10	Reorganization of the Liberian Frontier Force under American officers. The President of Liberia requests the designation of American officers.	663
	Mr. Knox to Mr. Crum (telegram).	...do.....	Same subject. Officers are ready to undertake the work, provided commissions are issued and allowances are made.	663
	Same to same (telegram)....	Jan. 11	Financial affairs. Instruction to send to Department full statement of Liberian finances for 1911.	667
	Mr. Crum to Mr. Knox (telegram).	Jan. 13	Same subject. Receipts for fiscal year ending Sept. 30, 1911, $478,000; disbursements $490,000; floating debt $201,000. The General Receiver is anxiously expected. The Government absolutely confident it can meet the requirements for the new loan.	668
	Same to same (telegram)....	...do.....	Reorganization of the Liberian Frontier Force under American officers. Liberian Legislature made provision for salary and housing of American officers.	663
	Mr. Knox to Mr. Crum (telegram).	Jan. 17	Financial affairs. Increase of floating debt of $200,000 shows bad management; and as the Loan Act makes no provision for new debts, this Government may have to withdraw its sanction of the loan agreement.	668
	Mr. Crum to Mr. Knox (telegram).	Jan. 23	Same subject. Explains causes of increase of floating debt, and that the real debt was only $111,000. Retrenchment and reform measures have been introduced.	668
	Mr. Knox to Mr. Falkner...	Jan. 26	Same subject. The French Ambassador states that his Government has appointed Mr. Frederic Wolf to be French Receiver of Liberian customs in accordance with the loan agreement.	669
21	Mr. Wilson to Mr. Crum....	Feb. 13	Reorganization of the Liberian Frontier Force under American officers. American officers expect to leave shortly for Monrovia to take up this work.	664
	Mr. Wilson to Mr. Falkner..	Feb. 23	Financial affairs. The Department has informed the Liberian Government of necessary terms of settlement with individual creditors of Liberia prior to negotiation of the new loan.	669
	Mr. Wilson to Kuhn, Loeb & Co.	Feb. 29	Same subject. The loan agreement as now amended appears satisfactory to the Department.	670
	Mr. Wilson to Mr. Skinner (telegram).	Mar. 7	Same subject. Informs him that he is appointed Special Representative of Dr. Falkner, Financial Representative of Liberia.	670
	Mr. Wilson to Mr. Crum (telegram).	...do.....	Reorganization of the Liberian Frontier Force under American officers. Instructs to obtain authority for the Liberian Consul-General to sign contracts with American ex-army officers.	664
	Mr. Crum to Mr. Knox (telegram).	Mar. 12	Same subject. Transmits telegram to Consul-General Lyon authorizing him to sign contracts with American officers.	664
	Mr. Wilson to Mr. Lyon (telegram).	...do.....	Same subject. Transmits above telegram.	665
	Mr. Wilson to Mr. Crum (telegram).	...do.....	Financial affairs. Loan agreements all signed Mar. 7. General Receiver Reed Page Clark will leave for Europe Mar. 14. Special Representative Skinner will meet Mr. Clark in London and begin negotiations with European creditors.	671
	Mr. Wilson to Mr. Jusserand.	Mar. 13	Same subject. Incloses copy of the loan agreement. [Same to the British and German Ambassadors.]	671
	Mr. Wilson to Mr. Crum (telegram).	Mar. 27	Same subject. Dr. Falkner hears that Liberia will probably default on interest of 1871 loan. Bankers want statement of receipts for last six months and other information.	671
	Mr. Wilson to Mr. Falkner (telegram).	...do.....	Same subject. Instructs him to wait in London for further instructions.	672
	Mr. Crum to Mr. Knox (telegram).	Mar. 28	Same subject. Money has been cabled to London to pay interest on 1871 loan.	672
	Mr. Wilson to Mr. Crum (telegram).	...do.....	Disturbances on the Anglo-Liberian frontier. The British Government complains of noncompliance by Liberian officials with the Anglo-Liberian frontier agreement. Instructs to bring the matter to the attention of the Liberian Government and to urge that steps be taken to settle the incident.	654

LIBERIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Reid (telegram).	1912. Mar. 28	Same subject. Advises him of above telegram and instructs to request the British Government to have patience for a satisfactory solution of the trouble.	656
	Mr. Jusserand to Mr. Knox..	Mar. 30	Financial affairs. Requests rotation of the Receivers at port of Monrovia.	672
	Mr. Crum to Mr. Knox (telegram).	Apr. 1	Disturbances on the Anglo-Liberian frontier. Reports steps taken by the Liberian Government to bring the incident to a satisfactory conclusion.	656
	Mr. Wilson to Mr. Reid (telegram).	...do....	Same subject. Transmits above telegram and expresses hope that the British Government will be patient and show leniency toward the Liberian Government.	657
	Mr. Clark to Mr. Knox (telegram).	Apr. 5	Financial affairs. He understands that the German Receiver must be stationed permanently at Monrovia. Considers this unfortunate and that Receivers should rotate.	673
	Mr. Wilson to Mr. Clark (telegram).	Apr. 8	Same subject. Nothing has been agreed on concerning duration of German Receiver's tenure at Monrovia. French request for rotation seems equitable.	673
	Mr. Skinner to Mr. Knox (telegram).	Apr. 9	Same subject. Creditors are pressing for prompt settlement.	674
	Mr. Wilson to Mr. Skinner (telegram).	...do....	Same subject. Liberian Government cabled £1,750 on Mar. 28 to pay interest on 1871 loan. Instructions of Mar. 27 confirmed.	674
1687	Mr. Wilson to Mr. Reid.....	Apr. 11	Disturbances on the Anglo-Liberian frontier. Advises him that American officers are on their way to Liberia to reorganize the Frontier Force and that the Department expects improvement in the conditions on the frontier.	657
	Mr. Reid to Mr. Knox (telegram).	Apr. 12	Same subject. The British Government will exercise all possible forbearance and has suspended action against Liberia.	657
	Mr. Wilson to Mr. Reid (telegram).	Apr. 15	Same subject. Instructs to express appreciation for action reported in his telegram of the 12th inst.	658
	Mr. Bernstorff to Mr. Knox.	Apr. 22	Financial affairs. The German Government intends to say to the French Government that under the loan agreement the General Receiver is to direct the Receivers and therefore has the right to assign them to the different posts; that the Government of the United States, prior to conclusion of the agreement, promised the Monrovia post to the German Receiver; that this, and the additional right under the agreement to represent the General Receiver in his absence, were essential conditions that Germany can not now give up. Requests opinion of the Department on the foregoing.	674
	Mr. Crum to Mr. Knox (telegram).	May 2	Reorganization of the Liberian Frontier Force by American officers. Reports arrival of officers.	665
	Mr. Wilson to Mr. Skinner telegram).	May 6	Financial affairs. Instructs him to proceed with negotiations.	675
	Mr. Crum to Mr. Knox (telegram).	May 9	Disturbances on the Anglo-Liberian frontier. The Liberian Government requests the appointment of Capt. Young, Military Attaché, on the Liberian Boundary Commission.	658
	Mr. Wilson to Mr. Crum (telegram).	May 14	Same subject. Capt. Young, Military Attaché, can not accept appointment from Liberian Government.	658
1014	Mr. Wilson to Mr. Jusserand.	May 15	Financial affairs. Replies to his note of Mar. 30. Considers that to maintain equitable conditions, the German Receiver is entitled to the Monrovia post, other compensating concessions having been heretofore made to Great Britain and France.	675
656	Mr. Wilson to Mr. Bernstorff.	...do....	Same subject. Acknowledges his Apr. 22; by way of reply, incloses copy of the note of May 15 to Mr. Jusserand.	678
27	Mr. Wilson to Mr. Crum.....	...do....	Same subject. Refers to Mr. Clark's Apr. 5 and Department's Apr. 8, and incloses the correspondence relating to the Monrovia post for the German Receiver.	678
	Mr. Crum to Mr. Knox (telegram).	May 16	Disturbances on the Anglo-Liberian frontier. Capt. Young has recommended Capt. Ballard for appointment on boundary commission and recommendation has been accepted by Liberian Government.	658
	Same to same (telegram)....	...do....	Same subject. British Consul General complains of nonappearance of Cooper and Lomax at Monrovia to answer charges. Whereabouts unknown.	659
	Mr. Knox to Mr. Falkner...	May 18	Financial affairs. Transmits information from Mr. Skinner concerning settlements with creditors, and 60-day delay in concluding these.	679

LIBERIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Crum (telegram).	1912. May 21	Disturbances on the Anglo-Liberian frontier. The British Government reports further trouble on the frontier. Instructs to urge immediate action to restore order.	659
	Mr. Knox to Mr. Reid (telegram).	...do....	Same subject. Advises him that the American officers engaged by the Liberian Government to reorganize the Frontier Force have arrived at Monrovia, and it is believed that conditions will soon improve.	659
	Mr. Crum to Mr. Knox (telegram).	May 23	Same subject. Liberian Government doing its utmost to have the accused officials, Lomax and Cooper, brought to Monrovia, and begs continued good offices of the United States Government with the Government of Great Britain.	660
	Mr. Skinner to Mr. Knox (telegram).	June 22	Financial affairs. Loan negotiations have been concluded.	679
	Mr. Falkner to Mr. Knox...	...do....	Same subject. Discusses the problem presented by German creditors concerning debts subsequent to Dec. 31, 1910.	679
	Mr. Wilson to Mr. Skinner (telegram).	June 25	Same subject. Instruction to tell German creditors that Dr. Falkner will urge desired settlement.	680
	Mr. Crum to Mr. Knox (telegram).	...do....	Same subject. General Receiver Clark awaits official notification before assuming control of customs.	680
	Same to same (telegram)....	June 26	Disturbances on the Anglo-Liberian frontier. Cooper and Lomax brought to Monrovia to-day.	660
	Mr. Knox to Mr. Crum (telegram).	June 29	Same subject. The British Government reports the murder of eight native chiefs and that Lomax and Cooper were present and connived. Instructs to ask for a searching investigation that guilty parties may be brought to justice.	660
	Same to same (telegram)....	...do.....	Financial affairs. Recommends that Clark constitute the Receivership in form on July 1 and then await approval by bankers of terms of settlement with creditors.	681
	Mr. Knox to Kuhn, Loeb & Co.	July 10	Same subject. It appears that the functions of the new receivership are inconsistent with the old agreement (Erlanger). Therefore it will be established in form only for the present.	681
	Mr. Knox to Mr. Crum (telegram).	July 11	Same subject. Bankers expect to issue bonds as soon as formally authorized by Liberia.	682
	Mr. Skinner to Mr. Knox (telegram).	...do.....	Same subject. Creditors demand interest at 5 per cent from July 1.	682
	Mr. Knox to Mr. Crum (telegram).	July 12	Same subject. Liberia must retain sums due Fiscal Agent as of July 1. Instructs him to have Clark enter into the functions of General Receiver necessary to secure such sums.	682
	Mr. Crum to Mr. Knox (telegram).	July 16	Same subject. Liberia will place sums due Fiscal Agent to Clark's credit provided no interest on outstanding loans will be required after June 30.	683
	Mr. Adee to Mr. Crum (telegram).	July 19	Same subject. Instructs to inform Clark that interest on old loans will run until final adjustment; but if Liberian Government will deposit the sums due under new loan agreement, no other interest payment will be necessary. The reservations made under old loans will revert to Liberia when the loans are canceled.	683
	Mr. de la Rocca to Mr. Knox.	...do...	Same subject. The French Government assents to the assignment of the German Receiver to the Monrovia post; but, as this arrangement disturbs the equipoise between France, Germany, and Great Britain in Liberia, in compensation France desires that the United States admit the propriety of granting her such facilities as may be required for rectifying the Franco-Liberian boundary, and also favor assignment of the French Receiver to the post nearest that boundary.	683
	Mr. Crum to Mr. Knox (telegram).	July 29	Same subject. Mr. Lange has held the posts of Receiver and of Vice Consul together for some time, and will not resign the latter until the full establishment of the receivership. The Liberian Government consequently will intimate to Germany that Lange's exequatur will be revoked upon complete establishment of Receivership.	684
	Same to same (telegram)....	July 31	Same subject. Replies to Department's July 19, that Clark urges holding at Monrovia of interest under old loans or offsetting payment thereof against the new loan. Double payment of interest will cripple the Receivership.	684
	Mr. Knox to Mr. Crum (telegram).	Aug. 14	Same subject. It is impossible to prevent double payment of interest until cancellation of old loans, but the advances will ultimately be returned to Liberia.	685

LIBERIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Crum to Mr. Knox (telegram).	1912. Aug. 19	Same subject. Liberian Government can not understand why, if it is expected to be satisfied with the bankers' assurances concerning repayment of advances, the bankers should not on their part accept Liberia's assurances of payment. Double interest payment is unjust.	685
	Mr. Haniel to Mr. Knox	Aug. 23	Same subject. Mr. Lange intends to resign the consulship as soon as he becomes Receiver, but Liberia demands his resignation before that event. Germany objects, and sees no harm in Receivers being also Consuls.	686
	Mr. Wilson to Mr. Haniel	Sept. 11	Same subject. The Department does not agree with the German Government that the double tenure of office would be unobjectionable and regards Liberia's position as reasonable. The difficulty could be easily avoided by the prompt appointment of a new German consul.	686
1059	Mr. Wilson to Mr. de la Rocca.	...do.....	Same subject. Answers his July 19; does not agree with France that the assignment of the German Receiver to Monrovia upsets the equilibrium between the Governments concerned. Boundary rectification as a proportionate counterpoise the Department can not seriously entertain; this question is in any event inappropriate at the present juncture.	687
54	Mr. Wilson to Mr. Herrick	...do.....	Same subject. Transmits correspondence with France and Germany in regard to Receivers' posts and Mr. Lange's double tenure, and instructs to express this Government's confidence in France's continued support of the loan.	689
142	Mr. Wilson to Mr. Leishman.	...do.....	Same subject. Instruction of same tenor as to Mr. Herrick.	689
1764	Mr. Wilson to Mr. Reid	...do.....	Same subject. Instruction of same tenor as to Mr. Herrick, adding an expression of thanks for Great Britain's hearty cooperation in the loan matter.	690
	Mr. Wilson to Mr. Crum (telegram).	Sept. 12	Same subject. Refers to his July 29. Summarizes the correspondence with France and Germany.	691
	Mr. Bundy to Mr. Knox (telegram).	Sept. 22	Disturbances on the Anglo-Liberian frontier. Reports trial and acquittal, on the charge of murder, of Lomax and Cooper.	661
54	Same to same	Oct. 12	Reorganization of the Liberian Frontier Force under American officers. Transmits report of the Military Attaché on the present state of the Frontier Force.	665
2127	Mr. Phillips to Mr. Knox	Oct. 16	Disturbances on the Anglo-Liberian frontier. Incloses a note from the Liberian Minister at London concerning the trial and acquittal of Lomax and Cooper.	661
	Mr. Wilson to Mr. Crum (telegram).	Nov. 23	Financial affairs. As the three Receivers have now been appointed Clark should at once organize the Receivership, remit all sums received for 1912 loan, and make full report.	691
65	Mr. Bundy to Mr. Knox	Nov. 29	Same subject. Department's Nov. 23 transmitted to Clark. Incloses documents evidencing that the Receivership came into full operation on Nov. 26.	692
66	Same to same	Nov. 30	Same subject. Reviews the steps taken toward organizing the Receivership, and incloses the correspondence in regard to Mr. Lange's double tenure.	694
	Same to same (telegram)	Dec. 4	Same subject. Clark, General Receiver, will insist on his right to locate Receivers, which they deny.	697
	Mr. Knox to Mr. Bundy (telegram).	...do....	Same subject. Department approves Clark's course.	697
67	Mr. Bundy to Mr. Knox	Dec. 9	Same subject. Incloses correspondence concerning the assignment of Receivers.	698
	Same to same	Dec. 19	Message of the President of Liberia to the Legislature. Text.	649
	Mr. Knox to Mr. Bundy (telegram).	Dec. 21	Financial affairs. Directs him to repeat to Clark Department's instructions to assign French and British Receivers to their respective boundary ports.	700

LUXEMBURG.

	Mr. Bryce to Mr. Knox (telegram).	1912. Feb. 25	Death of Grand Duke William of Luxemburg. Announces.	702
	President Taft to Grand Duchess Marie Adelaide (telegram).	Feb. 26	Same subject. Condolence	702

LUXEMBURG—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Grand Duchess Marie Adelaide to President Taft (telegram).	1912. Feb. 28	Same subject. Acknowledges above telegram.	702
6	Mr. Bryce to Mr. Knox	Apr. 4	Same subject. Incloses letter from Grand Duchess Marie Anne announcing the death of Grand Duke William and that the regency will be continued until the attainment of majority by Grand Duchess Marie Adelaide.	702
23	Mr. Wilson to Mr. Bryce	May 8	Same subject. Incloses a letter from the President acknowledging above letter.	703
		June 18	Accession of Grand Duchess Marie Adelaide to the Throne of Luxemburg. Speech from the Throne before the Chamber of Deputies. Text.	703
	Mr. Bryce to Mr. Knox	Aug. 7	Same subject. Incloses letter from the Grand Duchess Marie Adelaide announcing.	704
	Mr. Adee to Mr. Bailey	Sept. 28	Same subject. Incloses letter from the President acknowledging above letter.	705

MEXICO.

No.	From and to whom.	Date.	Subject.	Page.
581	Mr. Wilson to Mr. Knox	1911. May 23	American claims for damages growing out of the revolution. These are being received and filed in the Embassy.	929
634	Same to same	June 7	Same subject. The diplomatic corps desire to act jointly in bringing foreign claims before the Mexican Government. Incloses a letter to this effect from the Spanish Minister.	929
657	Same to same	June 15	Same subject. A court of claims has been established by the Mexican Government to deal with claims for damages arising from the late revolution. Comment on its personnel.	930
376	Mr. Knox to Mr. Wilson	June 16	Same subject. Approves his action as described in his No. 581 relating to filing of claims in the Embassy; instructs him to distribute claims circular to claimants.	931
672	Mr. Wilson to Mr. Knox	June 23	Same subject. Incloses circular instruction he has sent to consuls regarding claims.	931
398	Mr. Knox to Mr. Wilson	June 27	Same subject. Acknowledges his No. 634 and desires details of proposed joint action by diplomatic corps.	932
692	Mr. Wilson to Mr. Knox	June 30	Same subject. Acknowledges Department's No. 376 and reports compliance therewith.	933
712	Same to same	July 6	Same subject. Acknowledges Department's No. 398; incloses rules of the new claims commission; asks for instructions as to the attitude to take toward it and the manner of advising claimants.	933
422	Mr. Wilson to Mr. Wilson	July 12	Same subject. Acknowledges his No. 692, approves his action and instructs to follow inclosed instruction in advising claimants.	936
424	Same to same	July 13	Same subject. Acknowledges his No. 672 and approves his action as therein stated.	936
734	Mr. Wilson to Mr. Knox	July 20	Same subject. Refers to Department's No. 376; transmits note from Foreign Office requesting to know whether claims submitted to it by the Embassy are to be presented to the new claims commission.	937
762	Mr. Dearing to Mr. Knox	Aug. 2	Same subject. Refers to Department's No. 422; incloses Embassy's instruction to claimants as amended.	937
796	Same to same	Aug. 9	Discrimination against American railway employees. Mexican employees will strike in order to force discharge of American employees. Mr. Dearing has requested the Mexican Government to give a hearing to the latter's representatives.	910
820	Same to same	Aug. 16	Same subject. Gives statistical information regarding railroad employees.	912
476	Mr. Knox to Mr. Dearing	Aug. 17	American claims. Acknowledges his No. 734; instructs to advise the Foreign Office that American claimants will be referred in the first instance to the claims commission, diplomatic measures being reserved for future consideration.	939
489	Mr. Wilson to Mr. Dearing	Aug. 22	Same subject. Acknowledges Embassy's No. 712 and refers him to Department's No. 476 for the desired instructions.	940
515	Same to same	Aug. 31	Discrimination against American railway employees. Acknowledges receipt of his No. 820 and requests copies of the publication quoted.	913

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
518	Same to same	1911. Aug. 31	American claims. Acknowledges his No. 762 and suggests an alteration of the Embassy's claims circular, and of form of claims note to the Foreign Office.	940
948	Mr. Wilson to Mr. Knox	Sept. 19	Same subject. Transmits message of President de la Barra, in which reference is made to foreign claims.	941
	Same to same (telegram)	Sept. 20	Same subject. It is reported that the claims commission will give priority to claims made by Mexicans; requests instructions; suggests inquiry whether the report is true.	941
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 22	Same subject. Instructs to address the Foreign Office as suggested in his Sept. 20; if the report is true, to add to the inquiry that if the Government is in accord with the commission, further resort to the latter would seem useless, and diplomatic measures will become necessary.	941
	Mr. Wilson to Mr. Knox (telegram).	Oct. 2	Same subject. Department's instruction of Sept. 22 complied with. He has also requested an extension of time to Nov. 1.	942
	Same to same (telegram)	Oct. 9	Same subject. Time extended to Nov. 1, claims to be filed with the Foreign Office, which will present them to the claims commission.	943
	Mr. Adee to Mr. Wilson	Oct. 11	Same subject. Claimants are being advised to present claims to the Department or Embassy for transmission informally through diplomatic channels, but disclaiming for this Government any guaranty of collecting them.	943
1019	Mr. Wilson to Mr. Knox	Oct. 21	Same subject. Transmits claims circular prepared in accordance with instruction of Oct. 11.	944
	Same to same (telegram)	Oct. 28	Same subject. Further extension of time refused.	946
	Mr. Knox to Mr. Wilson (telegram).	Nov. 1	Same subject. The Department will seek further time through Mexico's confidential representative.	946
613	Mr. Adee to Mr. Wilson	Nov. 7	Same subject. Action of the Ambassador approved in stating to certain claimants that this Government has waived no rights to present claims diplomatically by advising initial presentation to the commission. Gives reasons for preferring not to make diplomatic representations.	946
	Mr. Knox to Mr. Wilson (telegram).	Nov. 21	Same subject. Instruction to request extension of time to Jan. 1, 1912.	947
1083	Mr. Wilson to Mr. Knox	Nov. 22	Same subject. Requests further general instructions to claimants. Suggests that all claims not yet before the commission be presented en masse diplomatically.	948
	Same to same (telegram)	Nov. 25	Same subject. Time extended to Dec. 31; claims to go through Foreign Office. All claimants will be notified.	949
	Mr. Knox to Mr. Wilson (telegram).	Nov. 27	Same subject. Instruction to thank the Foreign Office for extension of time.	949
652	Mr. Wilson to Mr. Wilson	Dec. 2	Same subject. Acknowledges his No. 1083 and refers him to Department's Oct. 11 for information about instructions to claimants; approves his Nov. 25 as to notifying claimants. The Department is not inclined to present claims en masse diplomatically, as suggested.	949
	Mr. Knox to Mr. Wickersham.	1912. Jan. 3	Political affairs. Incloses note from Mexican Ambassador of Dec. 30, 1911, requesting more vigilant maintenance of the neutrality laws of the U. S. The Department of State draws a clear distinction between the enforcement of those laws and activities desired by the Mexican Government which, if carried out, would be equivalent to participating with that Government in putting down a revolution—activities incompatible with the neutrality of the United States.	706
	Mr. Knox to Mr. Lascurain	Jan. 4	Same subject. Acknowledges his note of Dec. 30, 1911, requesting stricter enforcement of the neutrality laws of the United States; the note has been copied to the Attorney General for such action as he may find suitable.	709
1203	Mr. Wilson to Mr. Knox	Jan. 6	Same subject. Incloses note from the Mexican Foreign Office relative to seditious propaganda from within the United States by Vásquez Gómez.	710
	Mr. Knox to Mr. Wilson (telegram).	Jan. 8	American claims. Instructs to express to the Foreign Office this Government's dissatisfaction with the attitude of the Mexican Government toward American claims, particularly those arising from border engagements at Douglas and El Paso, and at Agua Prieta and Ciudad Juárez; but it finds it now necessary informally to request prompt attention to the latter.	950

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Knox (telegram).	1912. Jan. 10	Same subject. Instruction of Jan. 8 complied with; the Foreign Office desires the claims referred to presented to the commission, but this will be unsatisfactory, direct diplomatic representations being preferable; diplomatic corps considering joint action in view of inimical attitude of the commission.	951
1204	Same to same	...do....	Political affairs. Incloses article from the official organ of the Mexican Government treating of the relations between the United States and Mexico; suggests laying it before the President.	712
	Mr. Knox to Mr. Wilson (telegram).	Jan. 13	American claims. Instruction to represent the Douglas and El Paso incidents according to instruction of Jan. 8, and to inform the Department further in regard to all classes of claims.	952
	Mr. Wilson to Mr. Knox (telegram).	Jan. 16	Same subject. All Governments except China and Germany are submitting claims to the commission, but it is working unsatisfactorily; diplomatic treatment of border and Alamo cases recommended.	952
	Same to same	...do....	Discrimination against American railway employees. Transmits memorandum of interview with railway president relative to Mexicanization of the National Railways by discharge of American employees.	914
	Same to same (telegram)	Jan. 17	American claims. He has urgently presented the border and Alamo cases to the Government, which promises immediate action through consular inquiries, to be followed by judicial proceedings.	953
	Mr. Knox to Mr. Wilson (telegram).	Jan. 18	Same subject. Gives reasons for desiring to present claims in first instance to the commission but the Ambassador may continue to press for early hearings, and especially to urge the Government to investigate the El Paso and Douglas incidents.	954
	Mr. Wilson to Mr. Knox (telegram).	Jan. 22	Same subject. The Alamo cases will be taken up at once directly with the Embassy, since the commission has no jurisdiction over cases of personal injury or loss of life within Mexican territory. The El Paso and Douglas cases will be settled directly by consuls, with appeal to the commission.	954
1224	Same to same	Jan. 23	Political affairs. Describes the political, military, and economic conditions of Mexico.	713
1247	Same to same	Feb. 2	Same subject. Incloses copy of his letter to the American Consul General at Mexico City relative to protection of American interests, desired by Mr. G. P. Robinson of the Suriana Mining and Smelting Co.	715
	Same to same (telegram)	Feb. 3	Same subject. Zapatistas now in control of territory between Cuernavaca and Chilpanzingo. Strike impending of 1,200 American employees of Mexican railways.	716
	Mr. Knox to President Taft	...do....	Same subject. Quotes Mr. Wilson's telegram of Feb. 3 and suggests that War Department strengthen the border guard.	716
	Mr. Stimson to Mr. Knox	...do....	Firing across boundary. Col. Steever reports having notified Mexican authorities to prevent firing into the United States in case of disorder in or about Juarez. Similar notification sent by Governor of Texas. Refers to similar warnings in 1911 without effect. Requests instruction.	878
	Mr. Wilson to Mr. Knox (telegram).	Feb. 5	Political affairs. Describes military and political situation.	717
	Mr. Letcher to Mr. Knox (telegram).	...do....	Same subject. State of Chihuahua a unit against the Federal Government.	717
	Mr. Knox to Mr. Wilson (telegram).	...do....	American claims. Douglas and El Paso claimants are being advised of the substance of Mr. Wilson's Jan. 22, and to present their claims directly to the consuls.	955
	Mr. Letcher to Mr. Knox (telegram).	Feb. 6	Political affairs. Orozco elected Governor of Chihuahua. Fear of intervention by United States.	717
	Mr. Wilson to Mr. Knox (telegram).	...do....	Permission for passage of Mexican troops over American soil. Foreign office inquires whether 500 or 600 soldiers may pass to Ciudad Juarez from Eagle Pass over Southern Pacific Railway; arms, etc., on separate train if required; object is to deal more adequately with Ciudad Juarez situation.	888
	Mr. Knox to Mr. Colquitt (telegram).	Feb. 7	Same subject. Inquires whether Texas acquiesces in request of Mexico as to passage of troops over American soil.	888
	Mr. Colquitt to Mr. Knox (telegram).	...do....	Same subject. No objection to granting request of Mexican Government.	889

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Stimson	1912. Feb. 7	Same subject. Advises him that the President has directed that permission be granted for passage of Mexican troops over American territory, their arms and ammunition to be shipped as baggage and the troops to be escorted by American troops.	889
	Mr. Knox to Mr. Wilson (telegram).	...do....	Political affairs. Although the border patrol may be strengthened, the President's attitude is the same as expressed in his message to Congress last year.	717
	Mr. Stimson to Mr. Knox (telegram).	...do....	Same subject. United States troops have captured in New Mexico 13 armed Mexicans who had invaded the United States near El Paso.	718
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. Describes political and military situation; portions of the press are anti-American.	718
	Mr. Edwards to Mr. Knox (telegram).	...do....	Same subject. Casas Grandes authorities have declared against the Federal Government. American colonists notified to surrender their arms; they will resist; the consul will protest.	718
	Mr. Knox to Mr. MacVeagh and Mr. Nagel (telegram).	Feb. 8	Permission for passage of Mexican troops over American soil. Advises them of consent of this Government to passage of Mexican troops over American territory, and requests their assistance therein.	890
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Advises him of permission for Mexican troops to pass over American territory, and instructs him so to inform the Foreign Office.	890
	Mr. Colquitt to Mr. Knox (telegram).	Feb. 9	Same subject. If it is the purpose of Mexican troops, for whose passage over American soil has been granted, to fight rebels in Chihuahua, he withdraws his consent to their passage through Texas.	890
	Mr. Knox to Mr. Colquitt (telegram).	...do.....	Same subject. The Department understands that the passage of Mexican troops is only for the purpose of preserving order in Ciudad Juárez and not for general hostilities. Unless the Mexican Government will confirm this understanding, the permission will be withdrawn.	891
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Quotes telegram to Governor of Texas and instructs him immediately to cancel the permission pending further instructions to be based on his report that the troops will be used solely to preserve order at Juárez.	891
	Mr. Knox to Mr. MacVeagh and Mr. Nagel (telegram).	Feb. 10	Same subject. Informs him of cancellation of permission for passage of Mexican troops.	892
	Mr. Colquitt to Mr. Knox (telegram).	...do.....	Same subject. Asks whether or not Mexican troops passing through American territory would meet armed resistance on attempting to reenter Mexico at Juárez.	892
	Mr. Knox to Mr. Edwards (telegram).	...do.....	Political affairs. Department approves his protest, which should be based on the ground that Americans must not be left without means for self-defense.	719
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Repeats Mr. Edwards's information and instructs to protest, making reservations as to damages and injuries.	719
	Mr. Wilson to Mr. Knox (telegram).	Feb. 11	Permission for passage of Mexican troops over American soil. The Mexican Government withdraws its request for passage of troops, but circumstances may arise which will cause a renewal thereof.	892
	Mr. Stimson to Mr. Knox (telegram).	Feb. 12	Political affairs. The 13 Mexicans mentioned Feb. 7 have been delivered to proper civil authorities.	719
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Quotes instruction to consular officers in Mexico, authorizing denial of intention of the United States to intervene; consuls must be strictly neutral, but must insist on protection of American lives and property.	720
	Same to same (telegram)....	...do.....	Same subject. Instruction that it is the policy of the Department to leave all American citizens in Mexico to follow their own judgment in regard to remaining or departing from their domiciles, except where some specific region is peculiarly perilous, when they may be advised to leave. If the lawlessness becomes general, the Department may instruct all consular officers to give publicity to advice to all Americans to return to their country, and that claims for losses or injuries to American citizens will at the proper time be presented to the Mexican Government.	720
	Same to same (telegram)....	...do....	American claims. The Department is advising Americans in Mexico to use their own judgment as to remaining or leaving; if they leave disturbed districts, any losses thereby will be claimed on their behalf by this Government.	955

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Mr. Wilson to Mr. Colquitt (telegram).	Feb. 13	Permission for passage of Mexican troops over American soil. Informs him of withdrawal of Mexico's request for passage of troops.	893
	Mr. Edwards to Mr. Knox (telegram).	Feb. 15	Political affairs. Armed United States soldiers crossed into Mexico from El Paso on a street car and were stopped by Mexican customs officers, resulting in strong feeling against Americans.	721
	Mr. Wilson to Mr. Knox (telegram).	Feb. 16	Same subject. Reports having made representations concerning protection of American interests in the State of Durango, where conditions are desperate.	721
	Same to same (telegram)....	Feb. 18	Same subject. Many complaints from Americans in Sinaloa, where there is no protection of outlying towns. Vásquez Gómez assumed provisional presidency this day.	721
1266	Same to same..............	Feb. 19	American claims. The Mexican Government is arranging for consular investigation of the Douglas and El Paso claims; Alamo claims referred to judicial inquiry.	956
	Same to same (telegram)....	Feb. 20	Political affairs. Has made representations concerning danger to Americans in State of Jalisco, Oaxaca, and elsewhere.	721
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Instructs to make representations (with reservation of reclamation rights) concerning protection of Americans at Velardena and Asarco; American Smelting & Refining Co. report serious conditions.	722
1270	Mr. Wilson to Mr. Knox....	...do.....	Same subject. The Ambassador reports bad conditions throughout Mexico. Strike of 1,200 American employees of Mexican railways impending. Representations have been made concerning protection of American citizens.	722
	Same to same (telegram)....	Feb. 21	Same subject. Refers to Department's Feb. 20, 6 p. m.; urgent representations made regarding conditions at Velardena and Asarco.	724
	Same to same (telegram)....	Feb. 22	Same subject. Americans being robbed and maltreated in Sinaloa. Consul instructed to advise them to remove to places of safety.	724
	Mr. Edwards to Mr. Knox (telegram).	Feb. 23	Same subject. General exodus to the United States from Ciudad Juárez.	724
1274	Mr. Wilson to Mr. Knox....	Feb. 24	Presentation of a statue of George Washington. Incloses newspaper report of ceremonies on Feb. 22 of presentation by American citizens in Mexico to the Mexican people of a statue erected in the city of Mexico.	905
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Political affairs. The President is disposed to give warning that troops will be sent into Mexico as a police measure if there should be further injury to Americans on American soil as now threatened at Ciudad Juárez.	724
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. If the President orders troops into Mexico as a police measure such action should be explained and intention immediately to withdraw after restoration of order should be announced. Further observations.	725
	Same to same (telegram)....	...do.....	Same subject. Suggests that in case of preparations to send troops into Mexico at Ciudad Juárez it should be declared that this part of Mexico is in rebellion against the established government, with which the United States is friendly. Other observations.	725
	Mr. Wilson to Mr. Wilson (telegram).	Feb. 25	Firing across boundary. Inquiries whether Mexican Government would be disposed spontaneously to prevent fighting in or about Juárez to avoid firing into United States.	878
	Mr. Wilson to Mr. Knox (telegram).	Feb. 26	Same subject. Will act at once on Department's telegram of Feb. 25.	879
	Mr. Crespo to Mr. Wilson (telegram).	...do.....	Same subject. Is instructed to learn what credit may be given to press report that American troops have orders to cross into Mexico if shots are fired from Mexico into the United States.	879
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Instructs to renew officially and emphatically the warning against firing into American territory.	879
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Refers to Department's Feb. 25, 7 p. m., and reports Mexican Government's order to forces at Ciudad Juárez to engage rebels at about 13 miles distant from Juárez and under no circumstances to make resistance in that town.	879

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Wilson (telegram).	1912. Feb. 26	Same subject. Department has replied to inquiry of Mexican Ambassador that press reports of orders to United States troops to cross into Mexico if shots are fired into the United States are without foundation; troops massed at El Paso are merely a deterrent to such firing. Instructs to emphasize to Foreign Office the necessity of preventing it.	880
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Has sent the Foreign Office a friendly but firm note in regard to the Ciudad Juárez situation.	880
	Mr. Edwards to Mr. Knox (telegram).	...do.....	Same subject. The rebel commander, Campa, has sent him a notice to all foreigners in Ciudad Juárez to seek a place of safety, as he is about to attack that city.	880
	Mr. Wilson to Mr. Edwards (telegram).	...do.....	Same subject. Instructs to give to both Campa and the Federal commander informal and unofficial warning against firing into the United States.	881
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Instructs to warn both the President and the Foreign Office of the serious consequences of firing into the United States at Ciudad Juárez, and to renew suggestion to engage the enemy at a safe distance from the town.	881
121	Mr. Wilson to Mr. Crespo...	...do.....	Political affairs. Regrets the passage of United States troops across the frontier at El Paso on a street car; appropriate apologies have been made to Mexican consul at El Paso.	726
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Refers to Department's Feb. 20, 6 p. m., and Mr. Wilson's Feb. 21, 5 p. m. The "American citizens" mentioned include men as well as women and children.	727
	Mr. Wilson to Mr. Knox (telegram).	Feb. 27	Same subject. A Mexican official warned the Embassy that if United States troops cross the line at Ciudad Juárez, Americans in Mexico City will be generally massacred. Mr. Wilson has demanded protection for Americans and other foreigners.	727
	Same to same (telegram)....	...do.....	Same subject. Vásquez Gómez is apparently the leader of the revolution; he should either be expelled from the United States or imprisoned.	727
	Same to same (telegram)....	...do.....	Same subject. Velardena situation bad; Americans ask protection; vigorous representations have been made. General situation dangerous.	728
	Same to same (telegram)....	...do.....	Firing across border. Instructions of Feb. 26 complied with.	881
	Mr. Edwards to Mr. Knox (telegram).	...do.....	Same subject. Ciudad Juárez surrendered to General Campa.	882
1285	Mr. Wilson to Mr. Knox....	Feb. 28	Same subject. Transmits correspondence with Mexican Government relating to Ciudad Juárez situation.	882
	Same to same (telegram)....	...do....	Political affairs. The Foreign Office suggests that Vásquez Gómez open letter to President Madero, published widely Feb. 25, might justify the Government of the United States in proceeding against him. Further, requests rigid prevention of shipment of arms into Mexico via Ciudad Juárez.	728
	Mr. Edwards to Mr. Knox (telegram).	...do.....	Same subject. Ciudad Juárez in rebels' hands. They have set up a local government and will collect duty on imports. Rumors of Villa's defection.	728
	Mr. Wilson to Mr. Crespo...	Feb. 29	Same subject. Vásquez Gómez is being watched, but has not yet been observed in a breach of the neutrality laws.	729
	Same to same..............	...do....	Same subject. If the Mexican Government close Ciudad Juárez to international commerce, the question would arise whether there is in fact a state of belligerency.	729
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. Refers to Department's Feb. 20, 6 p. m. Americans at Velardena reported safe.	730
	Mr. Wilson to Mr. Wilson (telegram).	Mar. 1	Same subject. Advises him of the purport of the two notes sent to the Mexican Ambassador on Feb. 29.	730
	Same to same (telegram)....	...do....	Same subject. Instruction to urge the immediate sending of adequate relief to the Americans at Velardena.	730
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. Urgent representations made to Mexican Government concerning assaults on the Suriana mine; G. P. Robinson and others have requested aid.	730
	Same to same (telegram)....	...do....	Same subject. Refers to Department's Mar. 1, 5 p. m., and his own Feb. 29, 7 p. m.; Americans at Velardena well.	731
	Same to same (telegram)....	Mar. 2	Same subject. Heavy emigration of Americans from all parts of Mexico; the situation grows steadily worse.	731

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Wilson (telegram).	1912. Mar. 2	Same subject. Instruction to inform Americans that it is the Embassy's duty to advise them to withdraw from specified localities where lawlessness so threatens their safety as to make withdrawal prudent; consuls to care for abandoned property where possible.	731
	Same to same (telegram)	...do....	Same subject. Text of the President's proclamation of Mar. 2, 1912, admonishing citizens of the United States to observe the neutrality laws and warning those that engage in acts subversive of the peace of Mexico that they will not be protected by the United States Government from the legal consequences of such acts. The Ambassador is instructed that the proclamation is not a declaration of neutrality nor a recognition of a state of belligerancy in Mexico, but merely a warning to American citizens not to participate in disturbances in Mexico. The Ambassador will so state to the Mexican Government. Text of statement to the press is quoted to the Ambassador, to be laid before the Mexican Government.	732
	Mr. Wilson to Mr. Crespo	...do....	Same subject. Incloses a copy of the President's proclamation of Mar. 2.	733
	Mr. Letcher to Mr. Knox (telegram).	Mar. 3	Same subject. The President's proclamation is construed to mean that Americans are warned to leave Mexico, with intention to intervene.	734
	Mr. Wilson to Mr. Wilson (telegram).	...do....	Same subject. The Department fears the Mexican press may be misinterpreting the President's proclamation; instructs to deny intention of the United States to intervene.	734
	Mr. Wilson to Mr. Knox (telegram).	Mar. 4	Same subject. Quotes his statement to the Mexican press in pursuance of Department's instruction of Mar. 3; believes the President's proclamation is now understood.	735
	Same to same (telegram)	...do....	Same subject. The Mexican Government has declared in the press its correct appreciation of the President's proclamation. The Ambassador continues to allay misgivings of Americans and Mexicans.	735
	Mr. Wilson to Mr. Letcher (telegram).	...do....	Same subject. Instructs to make emphatic public denial of intention of the United States to intervene.	735
	Mr. Stimson to Mr. Knox (telegram).	...do....	Same subject. Military news from Chihuahua; Orozco and Salazar join the rebels; Villa attacks Orozco.	736
	Mr. Wilson to Mr. Crespo	...do....	Same subject. A foreign port in the hands of insurgents is regarded as if it were still in the hands of the parent government and consequently open to the intercourse and commerce of other nations, except where passage through such port is prevented by the parent government. Therefore the United States Government considers itself without legal basis for prohibiting the routing of mail through Ciudad Juárez when that is the only port through which mails can be dispatched to that section. Moreover, postmaster of a foreign country can not properly act within the United States; still less a foreign consul, as requested by the Mexican Government: accordingly mail can not properly be delivered to a Mexican consul, except official mail for officials of the parent government.	736
	Mr. Letcher to Mr. Knox (telegram).	Mar. 5	Same subject. Describes difficulties of warning Americans to leave isolated points.	737
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. The Mexican Government, alarmed by the enormous importation of arms through Ciudad Juárez, calls the Ambassador's attention to the practical recognition of the Madero Government by the Diaz Government, but declares that the present Government has no intention of treating with the rebels in arms; if the present Government should fall, the United States could hardly refuse to intervene. Requests, therefore, that the Government of the United States seek a way to stop the importation of arms and ammunition.	737
	Mr. Crespo to Mr. Wilson (telegram).	...do....	Same subject. Since the rebels are not belligerents, the Mexican Government asks only that the introduction of arms and ammunition through Ciudad Juárez be prevented, as such introduction would violate the neutrality laws of the United States.	737
	Mr. Wilson to Mr. Letcher (telegram).	Mar. 6	Same subject. Refers to his Mar. 5. The Department must depend on the consulate's discretion regarding warning Americans to leave particular localities.	738

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Wilson (telegram).	1912. Mar. 6	Same subject. All Latin-American missions have been instructed to promote friendly appreciation of the patient attitude of the United States toward Mexico; to explain the reasons for sending troops to the border to prevent firing into American territory; to make known the purport of the President's proclamation of Mar. 2; and to emphasize the determination of the United States not to intervene.	738
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. Mexico City authorities have called on all foreign and native friends of order to arm themselves to aid the Government in maintaining order. Mr. Wilson states the measures he purposes taking. His European colleagues disapprove the permission to ship arms and ammunition across the frontier to revolutionists.	739
750	Mr. Wilson to Mr. Wilson...	...do....	American claims. Acknowledges his 1266 and instructs to press the claims for prompt settlement.	956
33	Mr. Ching Yin Tang to Mr. Knox.	...do....	Protection of Chinese subjects. Requests permission for Chinese subjects in Mexico, threatened with violence, to seek refuge in the United States.	926
	Mr. Wilson to Mr. Knox (telegram).	Mar. 7	Political affairs. Committees from the foreign colonies in Mexico City will be armed by the local authorities. Americans have been counseled by the Ambassador to tender their services to the Government, but to refrain from participating in Mexican affairs.	739
	Mr. Wilson to Mr. Edwards (telegram).	...do.....	Same subject. The Department can not authorize a consul to accept the care of bullion or money.	739
	Mr. Wilson to Mr. Knox (telegram).	Mar. 8	Same subject. Representatives of the great powers request the Ambassador to ask the Mexican Government for definite guaranties of safety for foreigners in Mexico City.	740
	Mr. Wilson to Mr Crespo...	...do.....	Same subject. Refers to his Mar. 5. There being no recognized state of belligerency in Mexico, the rules of warfare are not involved, the status is one of peace, and there exists no interdiction of commerce outside the jurisdiction of Mexico, whose Government must itself enforce all laws touching commerce. But even if a recognized belligerency existed it would not cause a prohibition of commercial traffic in arms and ammunition, as is shown by the Hague convention, Articles 4, 6, and 7. However, the neutrality laws of the United States do make illegal certain specified acts, even where no belligerency exists, when directed against a friendly government; but those laws do not place the offenders, though penally liable in this country, under extraterritorial obligation; nor is this Government so placed. Thus neither the so-called neutrality statutes nor the general laws of neutrality prohibit mere commercial exportation of arms and ammunition; hence the Executive is legally powerless to prevent that traffic as long as it remains purely commercial and is unconnected with any act prohibited by the statutes. Therefore the sale of supplies in El Paso to Mexicans, whether insurrectos or supporters of the Government, and their delivery across the border, is not in violation of the statutes.	740
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	American claims. Congressional action likely as to Douglas and El Paso cases owing to inaction of consuls: instructs him to urge action.	957
	Same to same (telegram)....	Mar. 9	Political affairs. Refers to his Mar. 6, 10 p. m., and March 7, 10 p. m., and inquires why the Mexican Government is unable to control mobs. Approves Ambassador's course. Instructs to repeat caution to Americans to keep aloof from partisan affairs.	742
	Mr. Wilson to Mr. Knox (telegram).	...do.....	American claims. Foreign Office declares it is making progress with the border cases.	957
	Same to same (telegram)....	Mar. 10	Political affairs. The instructions of Department's Mar. 9, 7 p. m., have been executed.	743
	Same to same (telegram)....	Mar. 11	Same subject. The German Minister has been instructed to pursue a course analogous to that of the United States.	743

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
1143	Mr. Crespo to Mr. Wilson...	Mar. 11	Same subject. That the neutrality laws of the United States fail to cover many important points, does not afford sufficient ground for failure of the Government and people of the United States to take any measure calculated to prevent acts that come within the field of international duty. [Secretary of State Hamilton Fish quoted.] The Mexican Government therefore hopes this Government will take steps to prevent the continuance of exportation of arms and ammunition into Mexico.	743
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	American claims. Instructs to hasten the border cases as much as possible.	957
1306	Mr. Wilson to Mr. Knox....	Mar. 12	Discrimination against American railway employees. Reports interview with the President of Mexico regarding a strike threatened by American railway employees.	916
	Same to same (telegram)....	Mar. 14	Political affairs. Suggests sending a war vessel to Mazatlan.	744
	Joint Resolution of Congress.	...do.....	Same subject. A joint resolution to amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States to any American country the scene of domestic violence, except such as may be excepted by the President, and until otherwise ordered by the President.	745
	Proclamation by the President.	...do.....	Same subject. Proclamation of the purport of the foregoing joint resolution.	745
762	Mr. Wilson to Mr. Wilson...	...do.....	Same subject. Acknowledges the Ambassador's No. 1247 of Feb. 2, regarding protection of American citizens, and calling attention to Secretary Blaine's statement of the law in 1891, with quotation thereof.	746
	Mr. Wilson to Mr. Knox (telegram).	Mar. 15	Same subject. Requests 500 rifles and ammunition for the American colony.	747
	Mr. Wilson to Mr. Wilson (telegram).	Mar. 16	Same subject. Instructions relating to the presentation to the Mexican Government of the President's proclamation of Mar. 14.	747
134	Mr. Wilson to Mr. Crespo...	...do.....	Same subject. Refers to his No. 1143 of Mar. 11 and to his own note of Mar. 8; the proclamation of the President, of Mar. 14, has modified the then existing statutes so as to inhibit under specific conditions the exportation of materials of war until otherwise ordered by the President or by Congress; this action was taken in the desire to promote the return of peace to Mexico and should be construed as an act of friendship.	747
	Mr. Wilson to President Taft	...do.....	Same subject. The exceptions under the proclamation come under three heads: (1) it would be unwise at present to except shipments of arms and ammunition to the Madero Government (reasons given); (2) it would be unwise to except large shipments to private enterprises (reasons given); (3) but, in spite of the attending dangers, it appears urgent to except shipments consigned to the Ambassador or nearest Consul for the use of American citizens. These shipments might well be conducted as ordered for Santo Domingo in 1906 in pursuance of the joint resolution of Apr. 22, 1898.	748
	Mr. Wilson to Mr. Wilson (telegram).	Mar. 17	Same subject. Refers to his Mar. 15, 5 p. m., and Department's Mar. 16, 7 p. m., and quotes the form of a presidential order in pursuance of joint resolution of Apr. 22, 1898. The Department is investigating the ways and means for shipping arms and ammunition for the use of American citizens.	750
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Dangerous conditions prevail.	75
149	Mr. Alger to Mr. Knox.......	...do.....	Protection of Chinese subjects. Reports having acted on previous instructions in a similar case to protect Chinese threatened with violence.	926
	Mr. Wilson to Mr. Knox (telegram).	Mar. 18	American claims. An American citizen has asked him to define his proper course in case of mob attacks, with a view to establishing claims for damages.	958
	Mr. Edwards to Mr. Knox..	...do....	Political affairs. Americans in Acapulco desire advice about leaving. Unfriendly Mexican attitude due to fear of intervention. Instructions requested.	751
	Mr. Lespinasse to Mr. Knox (telegram).	...do....	Same subject. Believes wide publicity in Tabasco of the President's proclamation of Mar. 2 would create an excellent impression.	751

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Crespo...	1912. Mar. 18	Same subject. Vásquez Gómez has been under observation but has not been found violating the neutrality statutes of the United States. The writing of letters in this country and forwarding them by the United States mails into Mexico, inciting an uprising against the Government of Mexico, is not a violation of the neutrality laws.	752
	Mr. Wilson to Mr. Lespinasse (telegram).	Mar. 19	Same subject. Refers to his Mar. 18, and gives permission to circulate the President's proclamation of Mar. 2 without alteration of its language.	752
769	Mr. Wilson to Mr. Wilson...	...do....	Same subject. Refers to his Mar. 6, 10 p. m., which states that his European colleagues disapprove this Government's permission of shipment of arms across frontier to revolutionists. Their Governments would probably in a like situation take a like position. International law did not and does not require prohibition of such shipments, nor did the neutrality laws of the United States prior to Mar. 14.	752
235	Mr. Wilson to Mr. Ching Yin Tang.	...do....	Protection of Chinese subjects. The request of the Minister dated Mar. 6 is being complied with.	927
	Mr. Wilson to Mr. Beaupré (telegram).	Mar. 20	Political affairs. Instructs to amend Department's Mar. 6, 7 p. m.	753
1320	Mr. Wilson to Mr. Knox....	...do....	Same subject. General review of political, military, and economic situation. The President's proclamations of Mar. 2 and Mar. 14 have had an excellent effect in official circles but not elsewhere.	753
	Mr. Wilson to Mr. Wilson (telegram).	...do....	American claims. Refers to his Mar. 18; the Department can not lay down any other rules regarding the matter therein mentioned than those of international law (Moore's Digest, vi, 809).	958
	Same to same (telegram)....	Mar. 21	Political affairs. Refers to Department's Mar. 17, 10 p. m., and gives details concerning shipments of arms.	755
1170	Mr. Crespo to Mr. Knox......	...do....	Same subject. Requests that the President permit certain shipments of arms and ammunition for General Sanjinés at Ojinaga, forwarded by the Mexican consul at El Paso, and detained at Marfa, Tex., by the United States authorities.	755
	Same to same (telegram)....	...do....	Same subject. Again requests permission to ship arms to General Sanjinés at Ojinaga.	755
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. The Foreign Office makes the same request as Mr. Crespo's of even date.	756
771	Mr. Wilson to Mr. Wilson...	...do....	American claims. Incloses a circular to consular officers relating to collecting information as to American property in Mexico for use in future claims for damages.	959
772	Same to same..............	...do....	Discrimination against American railroad employees. Acknowledges his No. 1326 and instructs him to continue to report fully on the situation.	91
	Mr. Wilson to Mr. Knox (telegram).	Mar. 22	Political affairs. States quantity of arms needed by the American colony. Requests instruction as to method of entering the shipment at the frontier.	756
	Mr. Letcher to Mr. Knox (telegram).	...do....	Same subject. The prohibition of entry of foodstuffs will cause much bitterness toward Americans. Mines will have to shut down within two weeks. Considers it best to shut down at once and have Americans withdraw. This, together with strict enforcement of the President's proclamation, will effectively stifle the revolution.	756
	Mr. Wilson to Mr. Knox (telegrams).	...do....	Same subject. Refers to Department's Mar. 21, 11 a. m., and his own Mar. 22, 11 a. m., Requests increase of arms shipment.	757
	Same to same (telegram)....	...do....	Same subject. Mining companies report that prohibition of entry of dynamite will cause shutting down all mines and some 20,000 discharged employees will immediately join the forces of disorder. Obregón elected President.	757
	Mr. Letcher to Mr. Knox (telegram).	Mar. 23	Taxation of foreigners by provisional revolutionary Government. Requests instructions in view of demand by such government of taxes due to Federal Government.	907
	Mr. Wilson to Mr. Knox (telegram).	...do....	American claims. Department's citations from Moore's Digest seem to deny a government's responsibility for mob violence unless lack of due diligence can be shown; the Ambassador considers Department's Feb. 12, 5 p. m., to hold Mexican Government liable without regard to the degree of diligence.	960
1327	Same to same..............	...do....	Same subject. Requests instructions in regard to claims for damages due to current disturbances.	960

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Wilson (telegram).	1912. Mar. 24	Political affairs. Inquires, relative to his Mar. 22, 9 p. m., if it is feasible to enter dynamite through Vera Cruz. The President's proclamation does not affect clothing, dry goods, hardware, and foodstuffs.	757
	Mr. Wilson to Mr. Letcher (telegram).	...do....	Same subject. The entry of foodstuffs, clothing, dry goods, and hardware is not prohibited by the proclamation. The Attorney General is considering the exemption of dynamite for mines and other industrial purposes.	757
	Mr. Wilson to Mr. Knox (telegram).	Mar. 25	Same subject. Two responsible Americans desire to order additional arms for same purpose as stated in his Mar. 22, 12 m., and Mar. 22, 6 p. m.	758
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Refers to his Mar. 22, noon, and Mar. 22, 6 p. m. Arms will be sent Mar. 28, consigned to him but invoiced to military attaché, who will be disbursing officer.	758
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Refers to Department's Mar. 24, 7 p. m.; is making inquiries of miners about dynamite.	758
	Mr. Wickersham to President Taft.	...do.....	Same subject. Reviews the various interpretations that have been placed upon the term "arms or munitions of war;" gives a practical working definition thereof for the use of the officials on the border.	759
	Mr. Wilson to Mr. Knox (telegram).	Mar. 26	Same subject. Refers to Department's Mar. 24, 7 p. m., and his Mar. 25, 10 p. m. The Mexican Government will endeavor to bring out the supply of dynamite at Dinamita, for the use of mines in northern Mexico. If this prove not feasible, dynamite will be admitted from the United States.	761
	Same to same (telegram)......	...do.....	Same subject. He has requested the Governor of San Luis Potosí to protect Americans; he has agreed. Press censorship rigid; consular telegrams are being refused.	762
1334	Same to same...................	...do.....	Same subject. Transmits correspondence between the Embassy and the Foreign Office relative to guaranties of protection to Americans in Mexico City.	762
137	Mr. Wilson to Mr. Crespo......	...do.....	Same subject. Refers to his note No. 1170 of Mar. 21 and telegrams of Mar. 21 and 22. Informs him that the President has ordered released for exportation into Mexico the arms and munitions of war specified in the note No. 1170. Hereafter the consignors of arms and ammunition for the Mexican Government will take the matter up with the Mexican Embassy, which will submit the particulars to the Department; they will then be placed before the President for his decision.	765
	Mr. Wilson to Mr. Letcher (telegram).	Mar. 27	Taxation of foreigners. Instructs that taxes should be paid under protest, which should be recorded; receipts should be taken. De facto authority may receive taxes, but this Government will regard such payment as relieving the payers from further obligation.	907
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Instructs him to repeat to the Mexican Government the instructions to Mr. Letcher.	908
	Same to same (telegram)......	Mar. 28	Political affairs. Refers to his Mar. 26, 9 p. m. Instructs him to protest against refusal to receive consular or other official telegrams for the Embassy or the Department.	766
	Same to same (telegram)......	...do.....	Same subject. Refers to his Mar. 25, 11 a. m. The Department will not recommend shipment of arms except upon his responsibility, and is not inclined to grant request of the two Americans without more specific information as to urgency of the need and the purpose to which the arms will be put. Noncompliance with similar requests might be pointed out as adverse discrimination.	766
	Same to same (telegram)......	...do.....	Same subject. Refers to his Mar. 21, 10 p. m. Shipments therein mentioned have been authorized.	766
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Refers to Department's Mar. 28, 2 p. m. He has protested verbally, and will repeat protest when in possession of better information.	767
	Same to same (telegram)......	...do.....	Same subject. Press censorship severe. Will the Department consult with Stone as to action by Embassy?	767
	Mr. Wilson to Mr. Wilson (telegram).	Mar. 29	Same subject. Refers to his Mar. 28, 10 p. m. Inquire whether or not Associated Press service can be continued and investigate the Mexican Government's general policy in this matter.	767

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Knox (telegram).	1912. Mar. 29	Same subject. The use of the Associated Press wire is still refused. Other news deliberately stopped; wires cut. General situation bad.	767
1337	Same to same	...do	Same subject. Incloses letter to the Minister for Foreign Affairs, stating the position of the Ambassador and of his Government toward Mexico; it is false that, as reported, he is conducting propaganda in behalf of Mr. De la Barra.	768
	Mr. Crespo to Mr. Wilson (telegram).	Mar. 30	Same subject. Refers to a shipment of arms said to be authorized without the formalities specified in the Department's note of Mar. 26.	768
	Mr. Wilson to Mr. Wilson (telegram).	...do	Same subject. Instruction to request the Mexican Government to retain enough troops at Durango to protect Americans and their interests.	769
	Mr. Wilson to Mr. Knox (telegram).	...do	Same subject. Reports attack on American railway employee. Puebla and Vera Cruz situations bad. Mexico City foreigners alarmed. Rigorous censorship continued. No consular advices. Will make further protest.	769
	Mr. Wilson to Mr. Crespo (telegram).	...do	Same subject. Refers to his Mar. 30. Reason for irregularity of shipment was lack of time. Further explanations. Not being intended for the Mexican Government, the shipment is not of the kind contemplated in the Department's note of Mar. 26.	769
	Mr. Wilson to Mr. Wilson (telegram).	...do	American claims. The Department deems it inadvisable to elaborate at present the subject of his telegram of Mar. 23, 11 a. m.	960
	Same to same (telegram)	...do	Discrimination against American railroad employees. The representatives of the American railway employees intend to request the Department to take extraordinary steps in behalf of the men and a strike is likely if they are unsatisfied with the Department's or the Mexican Government's attitude. Instructs to urge upon the latter the desirability of stopping the discrimination against American employees.	917
	Mr. Wilson to Mr. Knox (telegram).	Apr. 1	Political affairs. Referring to Department's Mar. 29, censorship still in effect. The Government's course is neither consistent nor just.	770
	President Taft to Mr. Wilson	...do	Same subject. The President concurs in the opinion (inclosed) of the Attorney General that an aeroplane about to be exported from El Paso to Mexico for the purpose of dropping explosives on Federals, should not be permitted exportation. An aeroplane, though not per se included in the definition "munitions of war," is specifically acquired for the purpose of destroying human life, clearly becomes a munition of war, and is within the purposes that gave rise to the congressional joint resolution and the embargo created by the President's proclamation thereunder.	770
	Mr. Vásquez to Mr. Knox (telegram).	...do	Same subject. Repeats the language of his manifesto of Feb. 17. States that on Mar. 31 he sent to the press an open letter to President Madero, which he quotes. Assures Mr. Knox of the noble purposes of the revolution.	771
68	Mr. Wilson to Mr. Alger	...do	Protection of Chinese subjects. His action as reported in his Mar. 17 is approved.	927
1235	Mr. Crespo to Mr. Knox	...do	American claims. Commissioners have been named to investigate the Douglas and El Paso claims.	960
	Mr. Wilson to Mr. Knox (telegram).	Apr. 2	Discrimination against American railroad employees. The Cabinet has decided to reject all demands of American employees. States the nature of his representations to the Mexican Government.	918
	Same to same (telegram)	...do	Political affairs. Refers to Department's Mar. 25, 4 p. m. The Mexican Government will take entire charge of the safety of the shipment of arms for Americans through Vera Cruz. Says the usual duty should be paid.	772
	Same to same (telegram)	...do	Same subject. The duty on the shipment of arms will be about $16,000, which the American colony will find hard to pay. Asks whether the Mexican Government could be allowed to take part of the shipment in payment of duties.	772
	Mr. Letcher to Mr. Knox (telegram).	Apr. 3	Same subject. Mexican authorities require passports of all persons leaving Chihuahua. Telegrams to Department delayed several hours on repeated occasions. Protests seem unavailing. Money-order service discontinued.	773

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Nagel	1912. Apr. 3	Same subject. A shipment of cartridges from the United States to Salvador via Mexico is not in violation of the President's proclamation of Mar. 14, which put the joint resolution of Congress into operation as to Mexico only.	773
1341	Mr. Wilson to Mr. Knox	...do	Same subject. Refers to previous correspondence concerning the need of arming the American colony. Proposes that instead of paying the duty on the shipment, the Mexican Government take the whole shipment to its own account and turn it over to the colony for their use during a stated period.	773
	Mr. Wilson to Mr. Wilson (telegram).	Apr. 4	Same subject. Refers to his Apr. 2, 11 p. m. If the duty must be paid it should be done in the regular way.	775
	Mr. Wilson to Mr. Knox (telegram).	Apr. 5	Same subject. The American colony will pay the duty on the arms and ammunition.	775
149	Mr. Wilson to Mr. Crespo	...do	American claims. Acknowledges his Apr. 1	961
	Mr. Wilson to Mr. Knox (telegram).	Apr. 6	Political affairs. Reports arrival of De la Barra	776
	Mr. Letcher to Mr. Knox (telegram).	Apr. 7	Same subject. An American, Heberlein, put in jail incomunicado by rebels, who ignore the consul's demand for an explanation. Rebel chiefs in manifesto repudiate Vásquez Gómez.	776
	Mr. Wilson to Mr. Knox (telegram).	...do	Discrimination against American railroad employees. The Mexican Government hopes for a reconciliation between the railway management and the men.	918
	Same to same (telegram)	Apr. 8	Same subject. The American employees will strike Apr. 15.	918
790	Mr. Wilson to Mr. Wilson	...do	American claims. Acknowledges his No. 1327; instructs to bring all claims of the character mentioned to the attention of the Government, with reservations as to future action, and to send to claimants a circular worded in general as instructed June 16, 1911, adding that legal remedies must be exhausted before having recourse to diplomatic action.	961
132	Mr. Edwards to Mr. Knox	...do	Same subject. Attorneys for El Paso claimants intend not to submit claims to consul, but to await the commission provided for in the joint resolution before Congress directing the Secretary of State to investigate American claims.	962
	Mr. Wilson to Mr. Wilson (telegram).	Apr. 9	Political affairs. Instructs to request permission for entry of additional arms and ammunition.	776
	Same to same (telegram)	...do	Same subject. Instructs to inquire again what the general policy of the Mexican Government is in regard to censorship.	777
	Mr. Wilson to Mr. Knox (telegram).	...do	Same subject. Censorship continues on all press telegrams to the United States. The Mexican press full of sensational stories about intervention. Anticipation of railway strike accelerating emigration. Revolution spreading.	777
	Same to same (telegram)	...do	Same subject. The shipment of arms and ammunition for the American colony is in transit from Vera Cruz.	777
	Mr. Letcher to Mr. Knox (telegram).	...do	Same subject. An American named Fountain threatened with execution. Protest made by consul, but rebel authorities insolent. Mail confiscated.	777
1351	Mr. Wilson to Mr. Knox	...do	Same subject. Incloses correspondence with retiring Minister for Foreign Affairs, Calero, succeeded by Lascurain.	778
456	Mr. Hanna to Mr. Knox	...do	Discrimination against American railroad employees. Comments on the railway situation.	919
	Mr. Wilson to Mr. Knox (telegram).	Apr. 10	Political affairs. Refers to Department's Apr. 9, 7 p. m., and his own Apr. 1, 11 p. m. The Associated Press will probably be forbidden free use of the wires. Asks for instructions.	779
	Mr. Letcher to Mr. Knox (telegram).	...do	Same subject. Rebels under Salazar take Parral. Instructions requested regarding departure of Americans.	779
	Mr. Wilson to Mr. Letcher (telegram).	...do	Same subject. Instructs to insist on immediate release of Heberlein.	779
	Mr. Wilson to Mr. Edwards (telegram).	...do	Same subject. Instructs to investigate report that official despatches for American consul at Chihuahua were taken by rebels from messenger. If true, endeavor to secure the despatches.	780
	Mr. Wilson to Mr. Letcher (telegram).	Apr. 11	Same subject. Quotes telegram to the President from Orozco as leader of the revolution, repudiating the ideas contained in a published letter from Gonzalo Enrile to the President, and avowing Orozco's friendly attitude toward the United States.	780

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1912. Apr. 11	Same subject. Replies to his inquiry as to Americans leaving, and instructs to decide according to local conditions.	780
	Mr. Wilson to Mr. Wilson (telegram).	...do....	Same subject. Replying to his request, Apr. 10, 11 a. m., for instructions, advises that no formal representations are desired.	781
	Mr. Letcher to Mr. Knox (telegram).	...do....	Same subject. He has received from Orozco a letter saying that in view of nonrecognition of belligerency the rebel government will not recognize the consular representatives of the United States, who should not address the military commander on behalf the United States. This letter purports to be an answer to the consul's protest against seizure of mail.	781
	Mr. Wickersham to Mr. Knox.	...do....	Same subject. He has advised those interested in procuring from the President exceptions to the prohibition of the proclamation of Mar. 14, that the President will deal with each case as it arises, and that applications should show the necessity for the exception and also that the explosives will safely arrive at destination and not fall into the hands of insurrectionists or otherwise contribute to disorder. Suggests that all such applications hereafter be sent to the President instead of to the Department of Justice.	781
	Mr. Wilson to Mr. Knox (telegram).	...do....	Discrimination against American railway employees. Information received that when the American employees strike a rebel organization in Vera Cruz will begin destroying the railways and killing Mexican railway employees.	920
	Same to same (telegram)....	Apr. 12	Same subject. Reports murders of American railway employees. Strike set for Apr. 17.	920
	Same to same (telegram)....	Apr. 13	Political affairs. Arms for American colony have arrived; ammunition delayed by Mexican Government for lack of escort. Mr. Wilson has instructed the consul at Vera Cruz to protest and insist on immediate forwarding of the ammunition.	782
	Mr. Wilson to Mr. Wickersham.	...do....	Same subject. Refers to his letter of the 11th instant and accepts his suggestion that applications be forwarded directly to the President.	782
	Mr. Wilson to President Taft.	...do....	Same subject. Incloses copies of Mr. Wickersham's letter of Apr. 11 and the reply of Apr. 13.	782
	Same to same..............	...do....	Same subject. Refers to his own letter of Mar. 16, regarding the three aspects of the question raised by the proclamation of Mar. 14; mentions an application for exception thereto made by the Southern Pacific Railroad of Mexico for use in defense of their American employees; considers that the exception should be made.	78
	Same to same..............	...do....	Same subject. The murder of the American citizen Fountain and of American railroad employees, the increasing arrogance of the rebels, seizing of mails, depredations on American property, etc., seem to call for a strong protest and warning not only to the Government but also the people of Mexico. Submits draft of proposed representations. Submits for signature orders for exportation of arms to Americans (partly intended for American railroad employees) and to British residents of Sonora. Mentions the important group of Americans at Los Mochis, who are demanding that a warship be sent to the west coast; their isolation is causing the Department much anxiety. Discusses a plan as to the warships. Suggests that the impending strike of American railroad employees may call for a reiteration of warning to American residents to withdraw.	784
	Same to same..............	...do....	Same subject. Submits for signature letters to the Secretary of the Treasury regarding permission for shipment of arms to British subjects in Sonora (referred to in his Apr. 12).	786
	Mr. Wilson to Mr. Knox (telegram).	...do....	Taxation of foreigners. The provisional revolutionary government demands that payment by American citizens of freight rates due the railroad be made instead to said government.	908
	Mr. Wilson to Mr. Wilson (telegram).	Apr. 14	Political affairs. Inquires about delayed Vera Cruz shipment of ammunition. Instructs to request entry of 150 rifles via Nuevo Laredo.	786

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1912. Apr. 14	Same subject. Instruction to communicate textually the accompanying representations to the Mexican Government, stating that in view of the intolerable conditions in Mexico, the Government of the United States demands adequate protection for American life and property; gives warning that the Government and people of Mexico will be held responsible for all wanton or illegal acts that endanger American life and property; demands that American citizens arrested by either Federals or rebels for participation in insurrectionary disturbances shall be dealt with according to broad principles of equitable justice and humanity as well as in accordance with the principles of international law, for any departure from which the Government of the United States must hold the Mexican people strictly responsible. Also quotes instructions to the American consul at Chihuahua: To present to Orozco a copy of the foregoing, and further to say to Orozco that the practical murder of an American citizen by the order of one of his officers is viewed by this Government with grave concern; that this Government insists, where American citizens are arrested, on the observance of the rules of war followed by civilized nations; that failure to observe them will be deeply resented and must be fully answered for by the Mexican people. Also instructs him to say to the Mexican Government that retaliation against rebels who murder American citizens taken prisoners from Federals, by murder of those taken from rebels, is to be pointed out as utterly inhuman and should never be used in the case of American citizens.	787
	Mr. Wilson to Mr. Letcher (telegram)	...do....	Same subject. Quotes telegram of Apr. 14 to the Ambassador, and instructs to make to Orozco the the representations therein formulated for him, informally and unofficially; also to say that he is instructed informally to say that he must continue to exercise his functions and make such representations to Orozco as occasion may demand; that he is warranted in doing so by possession of an exequatur from the Mexican Government as representative of the Mexican people.	788
	Mr. Wilson to Mr. Wilson (telegram).	...do....	Same subject. Instructs him to communicate to all consular officers, for their information, the Department's telegrams of Apr. 14, 3 p. m., to the Embassy and to Mr. Letcher.	788
	Mr. Wilson to Mr. Dye (telegram).	...do....	Same subject. Notifies him of shipment in his care, for officials of the Southern Pacific R. R. of Mexico, of arms and ammunition, to be delivered to such Americans as shall satisfy him of their right thereto, and the safety of the arms from falling into possession of rebels.	789
	Mr. Wilson to Mr. Wilson (telegram).	Apr. 15	Same subject. Situation of Los Mochis Americans is causing anxiety. Ascertain whether the Mexican Government can send a ship with troops for their protection, and what that Government proposes to do in general for protection on the west coast. What would be thought of the sending of two United States naval vessels to afford refuge for Americans?	789
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Department's Apr. 14, 3 p. m., is being variously construed.	790
	Pascual Orozco to President Taft (telegram).	...do.....	Same subject. Fountain was executed because he was fighting the rebels, without considering his nationality. Rebels desire friendship of Americans.	790
	Mr. Wilson to Mr. Letcher (telegram).	...do.....	Same subject. Instruction to investigate killing of Fountain and ascertain his citizenship.	790
1479	**Mr. Wilson to Mr. Bryce....**	...do.....	Same subject. The President has granted the desired permission to ship arms to British subjects in Sonora.	700
	Mr. Wilson to Mr. Wilson (telegram).	Apr. 16	Same subject. Orders have been issued for shipment of ammunition to the American Consul at Guadalajara.	791
798	**Same to same...............**	...do.....	Taxation of foreigners. Instructions to Mr. Letcher cover the matter of freight payments referred to in the Ambassador's Apr. 13.	908

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Knox (telegram).	1912. Apr. 16	Political affairs. On the 15th instant a note based on Department's Apr. 14, 3 p. m., was delivered to the Foreign Office. Press comment inimical. Arms and ammunition received.	791
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Discrimination against American railway employees. Suggests another effort to avert the strike.	921
	Mr. Wilson to Mr. Knox (telegram).	Apr. 17	Same subject. Efforts to avert strike unavailing. Asks for instructions to proceed actively to secure justice for the men.	92
	Same to same..................	...do.....	Message of President Madero to Congress read Apr. 1, 1912; attention called to passages concerning the Chamizal affair and the rumors of intervention.	706
	Same to same (telegram)....	...do.....	Political affairs. Refers to Department's Apr. 9, 5 p. m. The matter has been referred to the Governors of the States concerned. Owing to large emigration of Americans, the colony has an excess of arms and Consul at Guadalajara is so advised.	791
	Mr. Letcher to Mr. Knox...	...do.....	Same subject. Refers to Department's Apr. 15. Fountain American born. His execution was plain murder, done after consul's protest. Rebels knew he was American citizen, and there is every reason to believe that was reason for his execution, as other prisoners were not executed. Orozco has apologized for the tone of his correspondence with the consulate and for seizure of mail. Bases stipulated by consul for his unofficial recognition accepted by Orozco. Bases given.	792
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Gives text of reply of Mexican Government to the Ambassador's note based on Department's Apr. 14, 3 p. m. The Foreign Office has made its reply public.	792
1364	Same to same..................	...do.....	Same subject. Transmits copy of his note of Apr. 15 based on Department's Apr. 14, 3 p. m. Mentions passages wherein it departs from the language of the Department.	794
	Pascual Orozco to Mr. Wilson.	Apr. 18	Same subject. Acknowledges receipt of note from the American consul embodying the Department's instructions of Apr. 14, 3 p. m. Declares there is no antagonism to the Government or people of the United States. Believes the revolution meets all the requirements of a de facto government, but will recognize the American consuls accredited to the Madero Government. Gives reasons for declaring the revolution meets all the requirements of international law. States that he has accredited Manuel L. Luján as his agent to enter into relations with the Government of the United States and requests his reception even unofficially. Is ready, however, to communicate through any channel.	795
1369	Mr. Wilson to Mr. Knox....	Apr. 19	Discrimination against American railway employees. Transmits letter from representatives of the unemployed American railway men relating to the availability of their services if needed by this Government.	921
	Same to same (telegram)....	...do.....	Political affairs. Refers to Department's Apr. 15, 8 p. m., concerning Los Mochis Americans. Has been unable to get a satisfactory statement from the Foreign Office. Believes the Department should act according to the necessity of the situation and send a gunboat or transport.	797
	Mr. Letcher to Mr. Knox (telegram).	...do.....	Same subject. Two Americans have been imprisoned at Chihuahua without any excuse. Release has been demanded.	797
	Mr. Knox to Mr. Hostetter (telegram).	...do.....	Same subject. Quotes the Ambassador's Apr. 17, noon, and inquiries whether the Governor has power to act. If so, the consul will arrange for entry of arms and ammunition in transit to him for Los Mochis Americans and others.	797
	Mr. Letcher to Mr. Knox (telegram).	...do.....	Same subject. The American Heberlein has been released.	798
	Mr. Magill to Mr. Knox (telegram).	Apr. 20	Same subject. Shipment of arms to Guadalajara almost nullified by failure of Mexican Government to send permits to admit it.	798
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Refers to Department's Apr. 15, 8 p. m. The sending of a United States vessel should be heartily cooperated in by the Mexican Government. Instructs to explain the purpose to the Foreign Office and to the press. Terms of the desired explanation.	798

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Mr. Crespo to Mr. Knox (telegram).	Apr. 20	Same subject. Refers to his own note No. 1229 of Mar. 30, relating to war materials detained at Marfa, Tex., and requests order releasing them.	799
	Mr. Knox to Mr. Hostetter (telegram).	...do.....	Same subject. Instructions for distribution of arms.	799
	Mr. Luján to Mr. Knox (telegram).	...do.....	Same subject. As delegate from General Orozco, he is ready to present his credentials and to receive any communication destined to the commander in chief of the revolutionary army.	799
	Mr. Hanna to Mr. Knox (telegram).	Apr. 21	Same subject. There is much talk in Monterey about intervention.	800
	Mr. Wilson to Mr. Knox (telegram).	Apr. 22	Same subject. Mr. De la Barra believes the present Government can not continue. Mexico City almost surrounded by rebels. Bad conditions in many States.	800
	Same to same (telegram)....	Apr. 23	Same subject. Press reports of U. S. S. *Maryland* being on the way to Los Mochis are disturbing the Foreign Office.	800
	Same to same (telegram)....	...do.....	Same subject. Says the Mexico City press is violently anti-American.	800
108	Mr. Knox to Mr. Edwards..	...do.....	American claims. Acknowledges his No. 132; the Department has expressed to the Members of Congress in charge of the joint resolution that it deems it proper for claimants to have recourse in the first instance to the Mexican claims commission, and deprecates the attitude of said resolution.	963
	Mr. Letcher to Mr. Knox (telegram).	Apr. 24	Taxation of foreigners. The provisional revolutionary government threatens confiscation of property of American citizen unless he pay an arbitrary sum of money or quantity of merchandise.	909
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Political affairs. Unless a more obliging disposition is shown regarding the importation of arms and ammunition for Americans at Guadalajara, Tampico, and Sonora, the Ambassador may intimate that the Department will not recommend further exceptions to the President's proclamation of Mar. 14 in favor of the Mexican Government.	801
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Reviews military situation. American papers discriminated against.	801
	Same to same (telegram)....	Apr. 25	Same subject. Refers to Department's Apr. 24, 11 a. m. Relates his interview with the Minister for Foreign Affairs, who explained the delays relating to arms as resulting from antiquated business methods.	801
	Same to same (telegram)....	...do.....	Same subject. A British war vessel will go to Mexican Pacific coast.	802
	Mr. Knox to Mr. Stimson...	...do.....	Same subject. Requests that a transport now out of commission be sent as soon as ready to the west coast of Mexico for protection of American citizens. Gives details of voyage desired. Mr. Guyant will be taken to Topolobampo, whence he will proceed to Los Mochis to act as American consular agent.	802
	Mr. Knox to Mr. Wilson (telegram).	Apr. 26	Same subject. The transport *Buford* will sail for Mexican waters carrying Mr. Guyant, consular agent at Los Mochis. Instructions for informing Americans of purpose of sending the vessel, and explaining the same to the Mexican Government. The *Yorktown* will proceed to Topolobampo after report from the Ambassador of a favorable attitude of the Mexican Government.	803
	Mr. Wilson to Mr. Knox (telegram).	Apr. 27	Same subject. British war ships will visit Mexican waters with purpose identical with those of the United States; the effect of both will be excellent.	804
	Mr. Gilchrist to Mr. Knox (telegram).	...do.....	Same subject. The Governor of Florida inquires whether the United States will intervene.	804
	Mr. Knox to Mr. Gilchrist (telegram).	...do.....	Same subject. The Governor of Florida is assured that the President has positively no intention of intervening in Mexico.	804
	Mr. Knox to Mr. Alger et al (telegram).	...do.....	Same subject. The Secretary in identic telegrams advises the consuls at Hermosillo, Mazatlan, Salina Cruz, and Acapulco of the movements of the *Buford;* instructs them to cooperate with her officers in relieving American citizens.	805
	Mr. Knox to Mr. Guyant (telegram).	...do.....	Same subject. Instructions to investigate and report conditions of Americans on the west coast, and to assist in their relief.	805
	Mr. Knox to Mr. Letcher (telegram).	...do.....	Taxation of foreigners. Refers to his Apr. 24 and instructs him that such "forced loans" or confiscatory exactions must be distinguished from ordinary taxation, and accordingly he should protest informally and unofficially against all arbitrary and discriminatory exactions, securing a record of such protests.	909

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to President Taft.	1912. Apr. 27	Permission for passage of Mexican troops over American soil. Expresses his views as to inadvisability of such permission.	893
	Mr. Wilson to Mr. Guyant (telegram).	Apr. 29	Political affairs. Instruction to inform the consul at Mazatlan that British subjects will be accommodated on the *Buford* if there is room after taking on Americans.	805
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Protection of Chinese subjects. Requests instructions as to 2,000 Chinese at Cananea threatened with violence.	928
	Mr. Wilson to Mr. Wilson...	Apr. 30	Discrimination against American railway employees. The Ambassador's No. 1369 has been communicated to the Secretary of War.	922
	Same to same (telegram)....	...do.....	Political affairs. Refers to his Apr. 27, 11 a. m.; the Department will not decide about sending a warship until the British and French ships have arrived at Mexican ports.	806
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. Americans request that certain other foreigners be taken aboard the *Buford*.	806
	Mr. Wilson to Mr. Wilson (telegram).	May 1	Same subject. The Department will be glad to receive Britons and Spaniards on the *Buford* if there is room after Americans are cared for.	806
	Mr. Lujan to Mr. Knox (telegram).	...do....	Same subject. Transmits telegram from General Orozco stating that the revolutionary party is treating Americans fairly, denying charges of forced loans and other oppressive measures, and stating military and political situation.	807
	Mr. Wilson to Mr. Crespo...	...do....	Same subject. The Department can not grant his request to suspend traffic between El Paso and Ciudad Juárez.	807
804	Mr. Wilson to Mr. Wilson...	...do....	Same subject. Refers to his 1364 of Apr. 17; instructs him to file at the Foreign Office a note communicating textually the Department's instruction of Apr. 14, 3 p. m., to supplement his original note, which departed therefrom in some particulars.	808
	Same to same (telegram)....	May 2	Protection of Chinese subjects. Instruction to inform consular agent at Cananea to use his unofficial good offices in behalf of the Chinese.	928
	Mr. Dye to Mr. Knox (telegram).	...do....	Same subject. The Chinese at Mazatlan may be expelled from Mexico. Inquires whether they may be permitted temporary residence in the United States.	928
	Mr. Wilson to Mr. Dye (telegram).	May 4	Same subject. There is no objection to temporary admission of expelled Chinese into the United States.	928
	Mr. Wilson to Mr. Knox (telegram).	...do....	Political affairs. Inquires whether there are any Red Cross or other funds available for assisting needy Americans.	808
	Mr. Edwards to Mr. Knox (telegram).	...do....	Same subject. Pascual Orozco, by special envoy, has appointed Vásquez Gómez to be Provisional President of Mexico, with seat of government at Ciudad Juárez.	809
	Mr. Alger to Mr. Knox (telegram).	May 5	Protection of Chinese subjects. The Chinese colony are grateful for permission to seek refuge in the United States, but will make use of it only if necessary.	929
	Mr. Wilson to Mr. Knox (telegram).	May 7	Political affairs. The original text of the Department's instructions of Apr. 14, 3 p. m., has been transmitted to the Foreign Office.	809
	Mr. Garrett to Mr. Knox (telegram).	...do....	Same subject. Pascual Orozco has ordered Vásquez Gómez to leave Mexico, owing to dissatisfaction with his policy as Provisional President.	809
	President Taft to Mr. Knox	May 12	Discrimination against American railway employees. Requests issuance to railway presidents and managers of a letter calling their attention to the need of finding work for the unemployed former American employees of the Mexican railways.	922
	Mr. Wilson to Mr. Wilson (telegram).	May 13	Same subject. Informs him of instructions to consuls in pursuance of the President's request.	923
	Mr. Wilson to Mr. Wilson et al. (telegram).	May 14	Same subject. The data requested of the consuls was desired for the President personally, for the purpose of securing employment in the United States for the unemployed men.	923
1410	Mr. Wilson to Mr. Knox....	May 15	Political affairs. Continues, from his dispatch of Mar. 20, review of the general situation in Mexico.	809
	Mr. Knox to Mr. Wilson (telegram).	May 17	Same subject. Instruction to inform all deserving Americans of the availability of the *Buford* for transportation to the United States.	811

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to 86 railway presidents.	1912. May 17	Discrimination against American railway employees. Letter in behalf of the unemployed men, as directed by the President.	923
	President Taft to Mr. Knox.	May 21	Same subject. Approves steps taken in behalf of the railway men.	924
	Mr. Wilson to Mr. Knox (telegram).	May 24	Political affairs. Zapata warns Americans to leave City of Mexico before his intended attack.	811
	Mr. Knox to Mr. Wilson (telegram).	May 25	Same subject. If Zapata report is true, instructs to inform the Mexican President and the American colony. No reply to be made to Zapata.	812
	Mr. Wilson to Mr. Knox (telegram).	...do....	Same subject. Perfect defense plans for the American colony have been made. Zapata's warning has caused little alarm.	812
	Mr. Letcher to Mr. Knox (telegram).	May 29	Same subject. A proclamation by Orozco addressed to both the Mexican and the United States Governments has been prepared, declaring that continuance of aid by the latter to the former will make it impossible to protect Americans. Mr. Letcher suggests demanding safe conduct of American and other foreigners to the border.	812
	Mr. Knox to Mr. Letcher (telegram).	May 30	Same subject. Instructs to make unofficial but firm demand of Orozco for explanation of his proclamation, protest informally but vigorously against any evasion of his obligation to protect noncombatants, and demand safe conduct for all Americans who desire to leave Mexico. Use his discretion as to advising Americans to depart.	813
	Mr. Letcher to Mr. Knox (telegram).	May 31	Same subject. Orozco's proclamation will be issued in greatly modified form owing to representations made by Mr. Letcher, Safe conduct promised. Rebels bitter toward Americans because of alleged frustration of their plans by permission by the United States of introduction of munitions of war.	813
	Same to same (telegram)....	June 3	Same subject. Reports assault on residence of an American, William H Craft; also seizure of powder. Consul's protest unavailing. Suggests concerted action of Americans.	814
	Mr. Knox to Mr. Letcher (telegram).	June 5	Same subject. The Department approves his course.	814
	Mr. Garrett to Mr. Knox (telegram).	...do.....	Same subject. Huerta has arrested Villa and sent him to Mexico City for trial. Orozco's family en route to Europe; Orozco may follow.	814
	Mr. Schuyler to Mr. Knox (telegram).	June 6	American claims. The Minister for Foreign Affairs, to avoid congressional action, wishes to pay all allowed border claims at once.	963
	Mr. Knox to Mr. Schuyler (telegram).	June 7	Same subject. Instructs to say that this Government hopes the border cases will be settled at once.	963
	Mr. Letcher to Mr. Knox (telegram).	...do.....	Political affairs. Orozco denies responsibility for threats to Americans; has made apologies. Rebels have received arms from Paso del Norte.	814
	Mr. Knox to Mr. Wilson and Mr. Edwards (telegram).	June 19	Firing across border. Recapture of Ciudad Juárez is apparently intended by the Mexican Federal forces. Instruction to urge Mexican Government to attack so as to avoid firing across the line, and to suggest siege operations.	883
	Mr. Schuyler to Mr. Knox (telegram).	...do.....	Same subject. Has complied with instructions of this date. Foreign Office says siege is impossible unless the Government of the United States can cooperate by preventing entry of supplies.	884
	Same to same (telegram)....	June 20	Same subject. President Madero declares no bullets will be allowed to penetrate American territory.	884
	Mr. Edwards to Mr. Knox (telegram).	...do.....	Same subject. Mexican authorities assure him there is no present intention to take Juárez.	884
33	Mr. Knox to Mr. Crespo.....	June 21	Display of the American flag. Replies to the Ambassador's note requesting that American consul at Ensenada do not unduly display the American flag, in view of the municipal regulations there limiting such display. This Government, under international law, has the right to display its flag daily and fails to find any reasonable ground for any restriction of that right in the present instance.	903
	Mr. Schuyler to Mr. Knox (telegram).	June 24	Firing across border. The Mexican Government officially informs him that it will try to take Juárez without battle by starving it out if necessary if the American Government will help by stopping entry of supplies.	885
	Mr. Wilson to Mr. Knox (telegram).	June 28	Same subject. The President says the greatest care will be taken not to fire across the line in case of attack on Juárez, but hoped the American Government would cooperate.	885

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
879	Mr. Knox to Mr. Wilson....	1912. June 28	Political affairs. Incloses correspondence relating to recruiting in the United States of soldiers for the Mexican Government; connection therewith of Mexican Consul Llorente. The law peremptorily forbids such recruiting, which assails the national sovereignty of the United States (Moore's Digest, vii, 879). The Ambassador is instructed to so advise the Mexican Government and to say that this Government can not reconcile such action with due regard for the sovereignty of a friendly neighbor, and trusts that the Mexican Government will at once proceed vigorously to stop it; and that the United States will prosecute all found guilty thereof.	81
	Mr. Wilson to Mr. Edwards and Mr. Letcher (telegram).	July 5	Same subject. Informs him of murder of an American citizen, William Adams, at Colonia Diaz by rebels. Instructs to make unofficial but vigorous representations to the rebel authorities, and to do all that is possible to protect Americans.	816
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Quotes to him the instructions to Mr. Edwards and Mr. Letcher; instructs to make immediate and urgent representations to the Mexican Government as to need of its utmost effort for protection of American life and property.	816
	Mr. Knox to Mr. Meyer.....	July 18	Same subject. Requests sending of a war ship to the west coast of Mexico, and suggests that one be also sent to the east coast.	817
907	Mr. Adee to Mr. Wilson.....	July 19	Same subject. Informs him that arrangements have been made for sending war vessels to both the west and the east coasts of Mexico. Instructs him to explain the purpose of their visits to be only such as those which vessels of all nations are accustomed to make, with no ulterior purpose.	818
1545	Mr. Wilson to Mr. Knox...	July 24	Same subject. Acknowledges Department's 879 of June 28; transmits copy of his note to the Foreign Office based thereon, its reply thereto, and other correspondence.	818
	Same to same (telegram)....	...do.....	Same subject. Suspension of constitutional guaranties declared in certain States, due to increase of rebel atrocities and insufficient Federal forces.	820
	Mr. Knox to Mr. Wilson (telegram).	July 26	Same subject. Senator Fall has attacked the Department's Mexican policy, alleging certain named Americans killed and outraged. Instructs to investigate in regard to those named.	820
	Mr. Wilson to Mr. Knox (telegram).	July 28	Same subject. The persons mentioned by Senator Fall have not been heard of at the Embassy.	821
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Instructs to urge Mexican Government to make every effort to protect American life and property in Casas Grandes district, where rebels are disarming them and are very bitter against the Government of the United States.	821
	Mr. Wilson to Mr. Knox (telegram).	July 29	Same subject. He has executed instructions as to Casas Grandes; Mexican Government promises to act as desired.	822
	Mr. Knox to Mr. Wilson (telegram).	...do.....	Same subject. Instructs to transmit to Consul at Chihuahua the Department's July 28, 12 p. m., with instruction to do all he can for Americans in rebel territory. Requests suggestions relating to Department's Mar. 2, 2 p. m.	822
	Mr. Knox to Mr. Edwards (telegram).	...do.....	Same subject. Instructs him to say to rebel chiefs that willful molestation of Americans will be intensely resented by this Government, and informally and unofficially to demand that there be no maltreatment of American persons or property.	823
	Mr. Edwards to Mr. Knox (telegram).	...do....	Same subject. Suggests curtailment of importations at Ciudad Juarez, as well as exports, to weaken rebels financially.	823
	Mr. Wilson to Mr. Knox (telegram).	July 30	Same subject. Has forwarded Department's July 28, 12 p. m., to Mr. Letcher at Chihuahua, with the additional instruction of Department's July 29, 4 p. m.	823
	Mr. Letcher to Mr. Knox (telegram).	July 31	Same subject. Quotes his reply to Mr. Wilson's instruction of July 30.	824
	Mr. Edwards to Mr. Knox (telegram).	...do....	Same subject. Acknowledges Department's July 29, 7 p. m. Orozco says he will not listen to him officially, and that he disarmed Americans because he needed their arms.	824
	Mr. Dye to Mr. Knox (telegram).	Aug. 1	American claims. None of the Douglas claimants have accepted the awards, and the Mexican Government intends to deposit the amounts thereof with the Secretary of State for distribution.	964

MEXICO—Continued

No.	From and to whom.	Date.	Subject.	Page.
	Same to same	1912. Aug. 2	Same subject. Describes the progress and status of border claims and unfortunate attitude of the Mexican agent.	964
	Mr. Knox to Mr. Dye (telegram).	Aug. 3	Same subject. Refers to his Aug. 1, and instructs to advise claimants that they are not compelled to accept the awards, and that this Government has reserved the right to proceed diplomatically.	966
		Aug. 9	Same subject. Text of Senate Joint Resolution 103, "directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico."	966
	Mr. Edwards to Mr. Knox (telegram).	Aug. 12	Political affairs. Orozco says Madero is about to resign.	824
	Mr. Wilson to Mr. Knox (telegram).	Aug. 15	Same subject. Conditions worse in southern Mexico.	824
	Mr. Edwards to Mr. Knox (telegram).	Aug. 16	Same subject. Orozco's army all out of Juarez	825
	Same to same (telegram)	Aug. 20	Same subject. Federals now occupy Juarez. Refugees will return to their homes.	825
	Mr. Adee to Mr. Meyer	...do...	Same subject. Requests cooperation of the Vicksburg with consul at Hermosillo.	825
	Mr. Wilson to Mr. Knox (telegram).	Aug. 21	Taxation of foreigners. Refers to Department's Mar. 27, and informs him that such protests as there mentioned are being made in regard to mining taxes demanded by local Federal authorities after payments already made to provisional revolutionary government, and Americans advised not to pay taxes a second time.	910
	Same to same (telegram)	Aug. 22	Political affairs. Conditions very bad in certain States. Recommends rigid precautions in Sonora.	826
	Same to same (telegram)	...do...	Same subject. Mexican Government discriminates against American trade and other interests. Suggests a positive stand against this attitude.	826
	Mr. Wilson to Mr. Wilson (telegram).	Aug. 24	Same subject. The Vicksburg will cooperate as desired and other precautionary measures will be taken.	827
	Same to same (telegram)	...do...	Same subject. Refers to Department's 907 of July 19. Inform Mexican Government of Vicksburg's schedule. Reference to future movements of Des Moines on east coast.	827
	Mr. Letcher to Mr. Knox (telegram).	...do...	Taxation of foreigners. He is advised that the Federal Government will not attempt to require a second payment of taxes.	910
	Mr. Wilson to Mr. Knox (telegram).	Aug. 26	Political affairs. Acknowledges instruction regarding Vicksburg and Des Moines.	828
	Same to same (telegram)	...do...	Same subject. Doubts Mexican Government's ability to cope with situation in Sonora.	828
	Same to same (telegram)	...do...	Same subject. Constitutional guaranties suspended over one-third of Mexico. Press censorship at all interior points.	828
1618	Same to same	Aug. 28	Same subject. Reviews military, political, and economic situation. Recommends an alert and severe attitude.	828
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 2	Same subject. Instructs to request Mexican Government to place garrisons at all strategic points on frontier, adequate to deal with any disturbance; specifies number of men required. Instructs also to say that Mexican troops may pass over American territory for purpose of establishing said garrisons.	833
	General Wood to Mr. Knox.	Sept. 3	American claims. Requests data collected by the State Department relating to the claims.	967
965	Mr. Wilson to Mr. Wilson	Sept. 4	Political affairs. Incloses an account of Mr. Calero's interview with the President, at which the President impressed the Minister with this Government's dissatisfaction with Mexico's inadequate dealing with attacks on Americans. The Acting Secretary of State added that there were three points needing special consideration: (1) that murderers of Americans went unpunished; (2) that there was a general hostility toward American interests; and (3) that the Mexican Government was apparently not sufficiently energetic and zealous in combating the anti-American activities.	833
	Same to same (telegram)	Sept. 5	Same subject. Acknowledges his No. 1618 of Aug. 28. Announces the forwarding of a draft note to the Foreign Office embodying the three points brought out at Mr. Calero's interview with the President Sept. 4.	835

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
966	Same to same	1912. Sept. 5	Same subject. Refers to Department's telegram of Sept. 5; incloses the draft note therein mentioned; instructs him, on presenting the note, to do so textually and to say that such were his instructions. Before presenting it, to suggest to the Department any desirable changes in it that may occur to him.	835
	Mr. Adee to President Taft (telegram).	Sept. 6	Same subject. Requests his permission to send arms and ammunition to the consul at Nogales for consular agent at Cananea.	835
1143	Mr. Wilson to Mr. Knox	...do	Same subject. Refers to Department's instruction of Sept. 2, 1 p. m., and incloses his note to the Foreign Office in compliance therewith, and the reply of the Foreign Office, which declares that the Mexican Government is endeavoring to satisfy the request of this Government in regard to protection of American life and property; expresses thanks for permission to move troops over American soil, and is awaiting the consent thereto of the Senate.	836
	Mr. Adee to Mr. Dye (telegram).	Sept. 7	Same subject. The President has given permission for the shipment of arms and ammunition for consular agent at Cananea.	838
	Mr. Adee to Mr. Wilson (telegram).	...do	Same subject. Refers to shipment of arms mentioned in telegram to Mr. Dye and instructs to arrange for their entry.	838
	Same to same (telegram)	...do	Same subject. The War Department has been requested to place additional arms and ammunition at Naco.	838
	Mr. Wilson to Mr. Knox (telegram).	...do	Same subject. As Dean of the Diplomatic Corps he has received from the rebels a notice of an early attack on the City of Mexico.	838
	Mr. Adee to Mr. Hunt, Mr. Colquitt, and Mr. McDonald (telegram).	...do	Permission for Mexican troops to pass over American soil. Requests the assurance of the Governors that it will be agreeable to the States of Arizona, Texas, and New Mexico to permit Mexican troops to pass through those States to points where rebels threaten the security of American citizens.	895
	Mr. Hunt to Mr. Knox (telegram).	...do	Same subject. There is no objection on the part of Arizona to the passage of the troops.	895
	Mr. Colquitt to Mr. Knox (telegram).	...do	Same subject. Texas has no objection to the passage of the troops.	896
	Mr. Dye to Mr. Knox (telegram).	Sept. 8	Political affairs. States cause of delay in forwarding from Naco the arms and ammunition for the consular agent at Cananea.	839
	Mr. McDonald to Mr. Knox (telegram).	Sept. 9	Permission for Mexican troops to pass over American soil. It will be agreeable to New Mexico to permit the passage of the troops.	896
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 10	Same subject. Refers to Department's telegram of Sept. 2, 1 p. m. Instructs to inform the Mexican Government that permission is granted for 1,000 to 1,200 troops to go from Ciudad Juárez via the Southern Pacific Ry. through the United States to Sonora, unarmed and escorted.	896
	Mr. Wilson to Mr. Knox (telegram).	...do	Political affairs. Suggests an emendation of note to be presented to Foreign Office, inclosed in Department's No. 966 of Sept. 5.	839
	Mr. Dye to Mr. Knox	Sept. 11	Same subject. Arms and ammunition have arrived and have been put under guard at Bisbee.	839
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 12	Same subject. Requests complete text of emendations referred to in the Ambassador's Sept. 10, 6 p. m.	840
	Mr. Wilson to Mr. Knox (telegram).	...do	Same subject. Submits the text requested in Department's Sept. 12, 5 p. m.	840
	Mr. Dye to Mr. Knox (telegram).	...do	Firing across border. Rebel troops appearing near Agua Prieta the American commanding officer at Douglas warned both the Mexican Federal and rebel commanding officers to prevent firing across the border.	885
	Mr. Wilson to Mr. Wilson (telegram).	...do	Same subject. Rebel attacks on Agua Prieta and Nogales threatened. Instruction to inform Mexican Government that Federal forces must avoid firing across the line, and to suggest engaging rebels as far as possible from the boundary.	886
	Mr. Wilson to Mr. Dye (telegram).	...do	Same subject. The War Department has been requested to issue instructions similar to those to General Steever last June when Ciudad Juárez was threatened. Instruction to warn Federal and rebel officials against firing across the line.	886
	Mr. Dye to Mr. Knox (telegram).	...do	Same subject. In reply to his note, rebel leader Rojas says he will try to delay attack on Agua Prieta until further instructed.	887

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Same to same (telegram)....	Sept. 13	Same subject. Rebels have gone south.............	887
	Mr. Wilson to Mr. Dye (telegram).	...do.....	Same subject. Nogales reported threatened by rebels; if attack is likely, instruct vice consul as you have been instructed (Sept. 12, 8 p. m.) as to Agua Prieta.	887
	Mr. Wilson to Mr. Knox (telegram).	...do.....	Same subject. He has complied with instructions of Sept. 12, 8 p. m., and Mexican Government replies that immediate steps will be taken to prevent firing across the line at Agua Prieta and Nogales.	888
	Mr. Wilson to Mr. Bowman et al (telegram).	Sept. 13	Political affairs. Instructs the Consul and Vice Consul at Nogales, the Consular Agent at Cananea, and the Consul at Hermosillo to tell the Americans who have been supplied with arms that these are to be used solely for self-protection.	840
	Mr. Dye to Mr. Knox (telegram).	Sept. 14	Same subject. Information concerning the distribution of arms to Americans.	841
	Mr. Garrett to Mr. Knox (telegram).	Sept. 15	Same subject. Describes military situation.........	841
	Mr. Wilson to Mr. Wilson (telegram).	...do.....	Same subject. Instruction concerning emendation of note, referred to in Ambassador's Sept. 12.	841
	Mr. Wilson to Mr. Lascurain.	...do.....	Same subject. Text of note to the Mexican Government concerning the treatment of Americans; specific instances are given of murder, rape, robbery, and other criminal assaults; redress is demanded for these and also for false imprisonment. Protest is made against censorship; also against restriction of American trade. The American Government can no longer, out of an unavailing regard for the amour propre of Mexico, patiently view the state of affairs as outlined; the Mexican Government must either show that it can handle the situation or confess that it can not; in the latter case the Government of the United States will consider what steps to take; and meantime desires a prompt statement of Mexico's intentions in regard to (1) the capture and punishment of murderers of Americans, (2) ending of discrimination against American interests, and (3) improvement in general conditions in Mexico such as subject American settlers to hardships.	842
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 16	Same subject. Instruction to date the note Sept. 15 and present it at once.	846
	Mr. Wilson to Mr. Knox (telegram).	Sept. 17	Same subject. The note was dated Sept. 15 and was presented Sept. 17.	846
	Same to same (telegram)....	...do.....	Same subject. The Minister for Foreign Affairs asked if the note was the same as that referred to by the President in the interview granted to Mr. Calero on Sept. 4. Mr. Wilson replied that it was. An answer was promised within four or five days.	846
	Same to same...............	Sept. 18	Message of President Madero to Congress read Sept. 16, 1912; attention called to passage relating to American claims for damages.	708
	Mr. Adee to Mr. Stimson....	...do.....	American claims. Transmits the data requested in his Sept. 3.	967
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 19	Permission for Mexican troops to pass over American soil. Instructs him to say to the Mexican Government that, as the United States granted permission to pass Mexican troops over its soil for the primary purpose of aiding in the protection of endangered American citizens, the failure of such troops to move against the rebels causing the danger leaves this Government somewhat bewildered.	896
	Mr. Wilson to Mr. Knox (telegram).	Sept. 20	Political affairs. Discusses the difficulties of disposing of the person of Pascual Orozco, sr.	847
400	Same to same...............	Sept. 24	American claims. The Foreign Office says that all the El Paso claimants intend to await the action of the Congressional investigating commission.	968
	Same to same (telegram)....	Sept. 25	Political affairs. The Foreign Office requests the indefinite detention of General Campa, now in custody at Tucson. Mr. Wilson recommends refusal to extradite any rebel leaders, but to detain them as long as possible.	847
	Mr. Oliver to Mr. Knox.....	...do.....	American claims. Requests the original petitions of claimants for use of the War Department's claims commission.	968
1016	Mr. Adee to Mr. Wilson.....	Sept. 27	Political affairs. The Department hears rumors of a coup d'état whereby Madero will be succeeded by Pino Suárez, of an uprising to be led by Felix Diaz, and of an understanding between Huerta and disaffected Federal troops.	847

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Adee to Mr. Colquitt (telegram).	1912. Sept. 28	Permission for Mexican troops to pass over American soil. Requests to be informed if it will be agreeable to Texas to permit the passage of Mexican troops over United States soil over a definite route, unarmed and escorted.	897
	Mr. Colquitt to Mr. Knox (telegram).	...do.....	Same subject. Texas does not object to the passage of the troops.	897
	Mr. Wilson to Mr. de la Cueva.	Sept. 29	Same subject. Informs him that the Mexican troops may pass unarmed and escorted from Piedras Negras across American territory to reenter Mexico at Del Rio and Marathon, Tex.	898
	Mr. Wilson to Mr. Wilson (telegram).	Sept. 30	Same subject. Instruction to inform the Mexican Government of permission granted as requested for Mexican troops to proceed from Piedras Negras to Del Rio and Marathon, over American soil.	898
	Same to same (telegram)	...do.....	Same subject. Instruction to withhold or withdraw permission granted, in view of objection of Governor of Texas pending further information.	898
	Mr. Colquitt to Mr. Knox (telegram).	Oct. 1	Same subject. If Mexican Government will eliminate Marathon and detrain troops only at Del Rio, there will be no objection.	899
	Mr. Wilson to Mr. Stimson	Oct. 2	Political affairs. The Department desires that all Mexican insurrectionists that enter the United States be arrested under section 14, U. S. Penal Code, neutrality laws.	848
	Same to same	...do.....	Same subject. Gives names of Mexican insurrectionists in the United States now in custody; the Department of Justice is being requested to cooperate in detaining these persons.	849
	Mr. Wilson to Mr. Wickersham.	...do.....	Same subject. The Ambassador has been instructed that insurrectionists captured in this country can not be extradited on charges of insurrection, which is a political offense; nor even on account of civil crimes committed in Mexico while they are detained under our own laws, until these laws have been satisfied.	849
	Mr. Wilson to Mr. Wilson (telegram).	Oct. 3	Same subject. Refers to his Sept. 20 and 25. The Department believes insurrectionary leaders captured in this country can not be surrendered to the Mexican Government on charges relating to the present revolutionary disturbances since the extradition treaty with Mexico excepts surrender for political offenses. Instructs him so to say to the Mexican Government, informally, and add that this Government expects to place such leaders in military custody under the provisions of the neutrality statutes, and that the laws of this country will have to be satisfied before request for extradition can be acceded to.	850
	Mr. Wilson to Mr. Schuyler (telegram).	Oct. 4	Permission for Mexican troops to pass over American soil. Instructs him to advise the Mexican Government of the amendment suggested by the Governor of Texas to the itinerary of the troops.	899
	Mr. Wilson to Mr. Oliver	Oct. 8	American claims. Transmits the petitions requested in his Sept. 25.	968
1727	Mr. Wilson to Mr. Knox (telegram).	Oct. 9	Permission for Mexican troops to pass over American soil. Reports that other arrangements have been made by the Mexican Government for the troops and the permission though appreciated is no longer necessary.	900
274	Mr. Letcher to Mr. Knox	Oct. 16	Political affairs. Reviews military and political conditions, and attitude toward Americans. Foreigners are expecting intervention of the United States.	850
	Mr. Canada to Mr. Knox (telegram).	Oct. 17	Same subject. Felix Diaz, at Vera Cruz, is expecting attack by Federals. Committee of consuls requested him to avoid fighting within the city, and requested Mr. Canada to hold U. S. S. Monterey and send for Des Moines.	853
	Mr. Schuyler to Mr. Knox (telegram).	...do.....	Same subject. Has notified Government there must be no bombardment of Vera Cruz dangerous to innocent foreigners. Has told German Chargé d'Affaires that Germans could, if necessary, take refuge on the Des Moines.	853
	Mr. Adee to Mr. Meyer	...do.....	Same subject. Requests return of the Des Moines to Vera Cruz with instructions to the commander to observe strict neutrality.	853
	Mr. Adee to Mr. Schuyler (telegram).	Oct. 18	Same subject. Instruction to say to Foreign Office that this Government hopes no fighting at Vera Cruz will endanger the persons and interests of Americans and other noncombatants.	855

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Mr. Schuyler to Mr. Knox (telegram).	Oct. 18	Same subject. Foreign Office strongly objects to entrance of Des Moines into port of Vera Cruz at present on account of general excitement over her supposed mission. In view of Mr. Schuyler's remonstrances there will be no bombardment.	855
	Mr. Adee to MacVeagh	...do	Same subject. Requests holding up of all shipments destined for Vera Cruz.	855
	Mr. Canada to Mr. Knox (telegram).	Oct. 19	Same subject. Transmits a letter from Felix Diaz to the Secretary of State, requesting recognition of the belligerency of the armed forces under his command.	856
	Mr. Adee to Mr. Schuyler (telegram).	...do	Same subject. The Des Moines will arrive Vera Cruz Oct. 20 and will care for as many foreigners as possible. Instructs him so to inform the German Chargé d'Affaires.	857
	Same to same (telegram)	...do	Same subject. Instructs him to say to Foreign Office that in sending a gunboat to Vera Cruz—which is admittedly under rebel control—this Government is fulfilling an imperative duty toward Americans and their interests. The Department regrets that any other purpose should have been perceived than the one communicated to the Mexican Government.	857
	Mr. Azueta to Mr. Canada	...do	Closure of port of Vera Cruz. Notifies him of the closure of the port of Vera Cruz. The American ship Seguranza should leave as soon as possible.	900
	Mr. Canada to Mr. Azueta	Oct. 20	Same subject. Has notified this Goverment of the action of the Mexican Government closing the port of Vera Cruz to the Seguranza.	901
	Mr. Schuyler to Mr. Knox (telegram).	...do	Political affairs. The Mexican Government's policy at Vera Cruz is to surround the city and prevent escape of Diaz; no bombardment is contemplated.	857
	Same to same (telegram)	...do	Same subject. The Mexican Government no longer objects to arrival of the Des Moines at Vera Cruz.	858
	Mr. Canada to Mr. Knox (telegram).	Oct. 21	Same subject. Transmits notification from Federal General Beltrán to Mr. Canada that Vera Cruz will be taken by force of arms and advising precautions in behalf of Americans.	858
	Mr. Schuyler to Mr. Knox (telegram).	...do	Same subject. Felix Diaz rapidly losing prestige	858
	Mr. Knox to Mr. Schuyler (telegram).	...do	Same subject. Instructs to reiterate the hope expressed in Department's Oct. 18, 2 p. m.	859
	Mr. Canada to Mr. Knox (telegram).	Oct. 22	Same subject. Describes situation of noncombatants at Vera Cruz.	859
	Mr. Schuyler to Mr. Knox (telegram).	...do	Same subject. The most stringent orders have been given to do as little damage as possible to foreign interests at Vera Cruz; no intention of bombardment.	859
	Mr. Canada to Mr. Knox (telegram).	Oct. 23	Same subject. The battle has begun all around Vera Cruz.	860
	Mr. Schuyler to Mr. Knox (telegram).	...do	Same subject. Felix Diaz has been captured. This collapse will merely prolong the trouble; there should be United States war ships in every Mexican port.	860
	Mr. Wilson to Mr. Meyer (telegram).	...do	Same subject. This Government does not claim the right of asylum, but that of temporary refuge is interpreted broadly enough to allow some latitude to the judgment of the officer called on to determine the specific case; upon him the Department places the responsibility, as in the case of Commander Hughes at Vera Cruz in regard to Felix Diaz.	860
768	Mr. Canada to Mr. Knox	...do	Same subject. Incloses a series of documents and reports referring to the taking of Vera Cruz and subsequent happenings.	861
	Mr. Wilson to Mr. Schuyler (telegram).	...do	Closure of port of Vera Cruz. Instruction to say to Foreign Office, in view of its protest at entrance of the Seguranza at Vera Cruz, that closure by a sovereign power of a port held by enemies, whether foreign or domestic, can have no international validity, and no extraterritorial effect of imposing any obligation upon governments of neutral powers to recognize it. A blockade of a port held adversely can not be respected.	901
	Mr. Schuyler to Mr. Knox (telegram).	Oct. 24	Same subject. Inquires whether, now that the insurrection has collapsed, he shall nevertheless follow the instruction of Oct. 23.	902
	Mr. Canada to Mr. Knox (telegram).	...do	Asylum and temporary refuge. Felix Diaz has been captured by Federal forces. If he asks for asylum it will be refused.	924
	Mr. Wilson to Mr. Meyer	Oct. 25	Political affairs. Requests that in addition to the Des Moines and Tacoma, now on east coast, two other vessels be sent there; and that four vessels be kept ready for despatch to the west coast.	863

No.	From and to whom.	Date.	Subject.	Page.
770	Mr. Canada to Mr. Knox	1912. Oct. 25	Same subject. Incloses a series of reports and documents referring to the taking of Vera Cruz by Díaz and retaking by Beltrán.	864
	Mr. Wilson to Mr. Schuyler (telegram).	Oct. 26	Same subject. Informs him of request to Navy Department of Oct. 25.	866
	Mr. Wilson to Mr. Schuyler (telegram).	...do.....	Closure of port of Vera Cruz. Instruction to communicate to the Mexican Government as instructed on Oct. 23, explaining the sending of that instruction prior to news of recapture of Vera Cruz.	902
	Mr. Schuyler to Mr. Knox (telegram).	Oct. 27	Asylum and temporary refuge. The Embassy is besieged with requests for intercession in behalf of Felix Díaz, threatened with execution. Mr. Schuyler refuses to interfere in Mexico's internal politics.	924
	Mr. Knox to Mr. Schuyler (telegram).	Oct. 29	Same subject. Approves his action reported in his Oct. 27.	925
1073	Same to same	...do.....	Same subject. Instruction to inform Consul at Vera Cruz of the Department's position with regard to granting asylum; distinction between asylum and temporary refuge defined.	925
	Mr. Canada to Mr. Knox (telegram).	Nov. 7	Political affairs. Vera Cruz citizens very grateful to Commander Hughes; profusely express their friendship for the United States.	867
	Mr. Schuyler to Mr. Knox (telegram).	Nov. 8	Same subject. Rebel activities around Cuernavaca and in State of Mexico increasing.	867
	Mr. Ellsworth to Mr. Knox (telegram).	...do.....	Same subject. Rebels active in State of Coahuila	867
1772	Mr. Schuyler to Mr. Knox	...do.....	Closure of port of Vera Cruz. In view of changed conditions at Vera Cruz the Mexican Government believes the matter of the closure of that port may now be considered terminated.	903
	Mr. Hamm to Mr. Knox (telegram).	Nov. 9	Political affairs. Rebels active in State of Durango.	867
	Mr. Letcher to Mr. Knox (telegram).	Nov. 11	Same subject. About 500 rebel troops in State of Chihuahua.	868
	Mr. Schuyler to Mr. Knox (telegram).	Nov. 12	Same subject. Finances of Mexico in hopeless confusion.	868
	Same to same (telegram)	Nov. 13	Same subject. Rebels increasing activities in several States.	868
	Mr. Pangburn to Mr. Knox (telegram).	Nov. 14	Same subject. Rebels control all west coast as far as to the north of Acapulco.	868
	Mr. Schuyler to Mr. Knox (telegram).	Nov. 15	Same subject. Conditions more serious. Advises immediate despatch of war vessel to Acapulco. The Minister of Trade and Commerce is informing Americans that it is impossible to protect their interests.	868
	Mr. Canada to Mr. Knox (telegram).	...do.....	Same subject. Large rebel forces in the northern, numerous small bands in central and southern parts of the State of Vera Cruz.	869
	Mr. Bonney to Mr. Knox (telegram).	...do.....	Same subject. Rebels active in State of San Luis Potosí.	869
	Mr. Knox to Mr. Schuyler (telegram).	...do.....	Same subject. Refers to Mr. Schuyler's Nov. 15, 2 p. m. reporting the Minister's statement; instructs him to say to the Mexican Government that the Department is astonished to learn that a member of the Cabinet is making such statements and takes it for granted that he will be immediately and appropriately cautioned, and that the Government of Mexico will exert every effort to protect the persons and property of Americans.	869
	Mr. Schuyler to Mr. Knox (telegram).	Nov. 27	Same subject. Anti-American feeling spreading; failure to take adequate steps to punish officials guilty of offenses toward Americans. The Mexicans generally seem emboldened by approaching change of administration in United States.	870
775	Mr. Canada to Mr. Knox	...do.....	Same subject. Reviews conditions in city and State of Vera Cruz.	870
1792	Mr. Schuyler to Mr. Knox	...do.....	Same subject. Transmits the reply of the Mexican Government to the Department's note of Sept. 15; it expresses surprise at the reproaches contained in the latter; claims that Mexico has fulfilled its obligations toward Americans, and reproach is not in keeping with the course followed by the United States within its own territory toward Mexican citizens; rejects the imputation of hostility to American interests; declares that the Government can not be held responsible for the present state of the country; if the United States had expelled from its territory the leaders of sedition, the Mexican Government would have found it easier to reestablish peace; objects to the language of the American note in qualifying the Mexican Government and prefers not to reply to the portion of the note containing such qualifications.	871

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1912. Nov. 29	American claims. Report of Claims Commission of the War Department, in pursuance of the Joint Resolution of Congress approved Aug. 9, 1912.	969
1793	Mr. Schuyler to Mr. Knox	Nov. 30	Same subject. Transmits a note from the Minister for Foreign Affairs exhibiting an attitude of irresponsibility toward all foreign claims.	981
	Same to same (telegram)	Dec. 6	Same subject. Requests instructions as to how to proceed in view of the attitude of irresponsibility assumed by the Mexican Government toward foreign claims.	982
1800	Same to same	Dec. 7	Same subject. Transmits correspondence illustrative of the Mexican Government's attitude as mentioned in his telegram of Dec. 6.	983
	Same to same (telegram)	Dec. 11	Same subject. The Embassy has secured payment of two claims for personal services rendered.	984
	Same to same (telegram)	Dec. 15	Political affairs. The Mexican Government requests that when the Embassy asks for permission to procure arms for American citizens, the request be made as if it concerned a transaction between private individuals. The Embassy, however, has already asked that the arms concerned be shipped to the consul at Hermosillo.	877
	Mr. Knox to Mr. Schuyler (telegram).	Dec. 16	Same subject. Refers to his Dec. 15, 10 a. m. and instructs him to say that although the arms are, for convenience, consigned to the consul, they are intended for the protection of American citizens; the case is analogous to others about which no question was raised.	878
1142	Same to same	Dec. 19	American claims. Acknowledges his No. 1800 and instructs him to say that this Government can not admit the existence of any unqualified rule of international law excusing a government from all responsibility for damages done to aliens by uncontrolled insurrectionists.	984
		Dec. 21	Same subject. Memorandum of an interview between Mr. Wilson and Mr. Lascurain in New York, at which the Ambassador suggested submission to arbitration of all difficulties pertaining to the claims.	985
1834	Mr. Schuyler to Mr. Knox	Dec. 30	Same subject. Transmits copy of a note from the Mexican Government to the British Minister to Mexico, stating that as the current disturbances differ in character from those of 1910, the Government is making no present decision as to the former.	985

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No.	From and to whom.	Date.	Subject.	Page.
257	Mr. Carpenter to Mr. Knox	1912. May 20	American protégés. Incloses letters from the British Consul at Fez relating to Mohamed ben Lehsen el Filaly, arrested by the French authorities.	987
	Same to same (telegram)	do	Same subject. Reports that the French authorities have apologized for the arrest of Mohamed ben Lehsen el Filaly.	989
263	Same to same	May 29	Same subject. Incloses two more letters from the British Consul at Fez, showing the case of Filaly to be closed without resort to a court-martial, through the good offices of the Consul.	989
283	Same to same	July 11	Same subject. Further information about Filaly	991
84	Mr. Knox to Mr. Carpenter	Aug. 5	Same subject. The Department approves the conduct of the case of Filaly; instruction to thank the British Consul at Fez for his deep interest and able handling of the case.	992

NICARAGUA.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Northcott to Mr. Knox (telegram).	1911. May 6	Financial affairs. The President of Nicaragua has been authorized by the Assembly to negotiate with American bankers, through the good offices of the United States, a loan not exceeding $20,000,000. Also to negotiate such treaties and contracts as may be necessary to secure the loan.	1071
		June 7	Same subject. Message from the President read June 8 transmitting a convention with Nicaragua relating to refunding the debt of Nicaragua and reorganizing its fiscal administration, signed at Washington June 6, 1911. Urges its ratification upon the Senate. Text of the convention.	1072

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	....	1911. June 28	Same subject. Message from the President read June 29, urging approval of the loan convention.	1076
	....	July 15	Same subject. Special message from the President suggesting certain minor amendments to the loan convention and reiterating his earnest desire that the Senate advise ratification.	1077
	Mr. Gunther to Mr. Knox (telegram).	Oct. 9	Same subject. Nicaraguan Assembly approves loan contract with American bankers of Sept. 1, 1911.	1078
	Messrs. Brown & Seligman to Mr. Knox.	Nov. 2	Same subject. Informs him of conclusion Sept. 1, 1911, of a temporary loan to Nicaragua of $1,500,000, secured on customs receipts to be collected by a Collector General nominated by them and approved by the Department; it has been approved by the Government of Nicaragua. They nominate Mr. Ham for Collector General.	1078
	Mr. Castrillo to Mr. Knox...	Nov. 7	Same subject. Requests the Department to consider the nomination of Mr. Ham for Collector General.	1079
	Mr. Knox to Messrs. Brown & Seligman.	Nov. 11	Same subject. Acknowledges their letter of Nov. 2 and informs them of approval by the Department of Mr. Ham as Collector General; said approval is not to be understood as involving any other or further good offices of this Government than would be accorded to any other legitimate American enterprise abroad.	1079
12	Mr. Knox to Mr. Castrillo...	...do.....	Same subject. Acknowledges his Nov. 7 and informs him of the approval by the Department of Mr. Ham for Collector General.	1080
	Messrs. Brown & Seligman to Mr. Knox.	Dec. 13	Same subject. Transmits copy of contract of Dec. 9, 1911, between Nicaragua, the Ethelburga Syndicate, and certain holders of the Nicaraguan bond issue of 1909, negotiated under the terms of the contract of Sept. 1, 1911, requiring approval by the President of Nicaragua.	1081
	Mr. Gunther to Mr. Knox (telegram).	Dec. 16	Same subject. Financial Agent Ham and Captain Wilson assumed their posts Dec. 16.	1081
	Same to same (telegram)....	Dec. 26	Same subject. The good offices of the United States are requested for securing services of an excise expert.	1081
161	Same to same................	Dec. 30	Same subject. The contract of Dec. 9 has been approved by the President of Nicaragua.	1081
	Same to same (telegram)....	Dec. 31	Constitution. Promulgation set for Jan. 1, 1912, but as the election of Mena and Solórzano are made constitutional, and forbids employment of foreigners, the Foreign Minister is withholding his signature.	993
	Same to same (telegram)....	1912. Jan. 1	Political affairs. President Jimenez of Costa Rica says President Estrada Cabrera of Guatemala is supporting Irias in a movement from Costa Rica against Nicaragua.	1012
	Same to same (telegram)....	Jan. 4	Same subject. President Araujo of Salvador says President Estrada Cabrera of Guatemala is implicated with Jose Gámez in Costa Rica in a plot against Nicaragua, as shown by intercepted correspondence.	1012
	Mr. Knox to Mr. Gunther (telegram).	Jan. 5	Same subject. Instruction to repeat his Jan. 4, to the American Legations in Costa Rica, Salvador, and Guatemala, requesting full report.	1012
163	Mr. Gunther to Mr. Knox...	Jan. 6	Same subject. Relates interview with General Chamorro concerning political intrigue with reference to the Presidency.	1013
164	Same to same................	Jan. 8	Same subject. Discusses breaches of the Dawson Agreements by their various signers.	1014
166	Same to same................	...do.....	Same subject. Discusses Diaz as a candidate for the Presidency.	1016
	Mr. Heimke to Mr. Knox...	Jan. 12	Same subject. Refers to Mr. Gunther's Jan. 4, and transmits copies of correspondence mentioned; thinks it does not implicate Estrada Cabrera.	1016
	Mr. Gunther to Mr. Knox (telegram).	...do.....	Constitution. The Foreign Minister has agreed to sign the constitution, but Mr. Gunther has been promised delay of promulgation until Jan. 31.	993
	Mr. Knox to Mr. Gunther (telegram).	...do.....	Financial affairs. Mr. Edwin A. Thayer is recommended as excise expert.	1082
	Same to same (telegram)....	Jan. 13	Constitution. The Department would regard promulgation before arrival of Mr. Weitzel as a distinct departure from the cooperation between the two Governments that has been practiced. Instructs to assure President Diaz of this Government's cordial support.	994

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Gunther to Mr. Knox (telegram).	1912. Jan. 13	Same subject. The Assembly irregularly promulgated the constitution Jan. 12 without the signature of the Minister for Foreign Affairs, intending to force the United States to recognize the election of Mena and Solórzano.	994
	Mr. Knox to Mr. Gunther (telegram).	Jan. 14	Same subject. Instruction to inform Mena that the Dawson agreements must be observed.	994
171	Mr. Gunther to Mr. Knox...	Jan. 15	Same subject. Describes the intrigues relating to the promulgation of the Constitution; incloses the decree ordering its promulgation.	995
	Same to same (telegram)....	...do.....	Financial affairs. The Nicaraguan Government agree to appoint Mr. Thayer as excise expert.	1082
	Same to same (telegram)....	Jan. 16	Constitution. Public sentiment welcomes Department's declaration contained in Mr. Knox's Jan. 14.	996
	Mr. Wilson to Mr. Gunther (telegram).	Jan. 19	Financial affairs. Mr. Thayer accepts..............	1082
	Mr. Knox to various Senators.	Jan. 22	Same subject. Incloses his speech delivered before the New York State Bar Association on Jan. 19 on "The Monroe Doctrine and some incidental obligations in the zone of the Caribbean." He does this in the hope of increasing their interest in the convention between the United States and Honduras and even more especially the convention with Nicaragua, both of which now await the advice and consent of the Senate.	1082
	Mr. Knox to Mr. Gunther...	Jan. 24	Same subject. Acknowledges his 161, copy of which has been sent to Mr. Wands, Nicaragua's Financial Adviser.	1092
2	Mr. Weitzel to Mr. Knox....	...do.....	Constitution. Transmits text of the new constitution.	996
4	Mr. Knox to Mr. Weitzel....	Jan. 25	Political affairs. Incloses copy of letter from General Chamorro to the Department, reviewing recent political history and urging this Government to insist on the execution of the Dawson Agreements in respect to the succession to the Presidency. Incloses also Mr. Knox's acknowledgment.	1017
	Same to same...............	Jan. 31	Same subject. Refers to Mr. Gunther's Jan. 4 and informs him that the Chargé d' Affaires at San Jose can not verify the rumor concerning Gamez or of activity against Nicaragua.	1020
	Mr. Weitzel to Mr. Knox (telegram).	Feb. 4	Financial affairs. President Diaz urges haste in fixing the rate of exchange for the paper currency; leading business men also urge it. States the difficulties, and recommends that bankers make advances at once.	1093
	Mr. Knox to Mr. Weitzel (telegram).	Feb. 8	Same subject. It is understood that the bankers sent a proposal on Feb. 7 which they hope will remove difficulties mentioned in his Feb. 4.	1093
	Mr. Weitzel to Mr. Knox (telegram).	Feb. 14	Same subject. An agreement satisfactory to both Nicaragua and the bankers for prompt execution of plans for the currency and banking operations is about to be concluded; the bankers will lend an additional $500,000 and also pay monthly $30,000 from the customs receipts; the bankers to receive option to purchase 51 per cent of Lake steamers and of Pacific railroad. Currency experts think this option includes franchise to operate steamers from Managua to Greytown. Mr. Harrison recommends to bankers exercise of this option and canalization of the existing waterway; this, with the Pacific railroad, would form a transcontinental line.	1094
6	Same to same...............	Feb. 14	Same subject. The Department's informal course in expediting currency and banking plan referred to in his Feb. 4, has had a beneficial effect on both economic and political situations.	1094
	Mr. Castrillo to Mr. Wilson..	Feb. 15	Visit of the Secretary of State to Nicaragua. Acknowledges his Feb. 13 notifying him of the Secretary's prospective visit.	1109
10	Mr. Weitzel to Mr. Knox....	Feb. 23	Same subject. Incloses copy of notes exchanged with the Foreign Office and with President Diaz regarding the Secretary's visit.	1110
	Mr. Wilson to Mr. Weitzel (telegram).	Feb. 26	Financial affairs. Refers to his Feb. 14; the bankers wish to know if there is any objection to including the project therein mentioned in their new proposals; Department replied that there was none provided contracts specify that there shall be no alienation to foreign company or government except with the consent of this Government; same as to transisthmian route.	1096

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to the Mayor of Managua.	1912. Mar. 5	Visit of the Secretary. Speech replying to a speech of welcome.	1112
	President Diaz to Mr. Knox.	Mar. 6	Same subject. Speech of welcome	1112
	Mr. Knox to President Diaz.	...do.....	Same subject. Reply to the foregoing	1114
	Mr. Suárez to Mr. Knox	...do.....	Same subject. Speech of welcome	1117
	Mr. Knox to Mr. Suárez	...do.....	Same subject. Reply to the foregoing	1120
	Mr. Solórzano to Mr. Knox	...do.....	Same subject. Speech of welcome	1122
	Mr. Knox to Mr. Solórzano	...do.....	Same subject. Reply to the foregoing	1123
	Mr. Chamorro to Mr. Knox	...do.....	Same subject. Speech of welcome	1124
	Mr. Knox to Mr. Chamorro	...do.....	Same subject. Reply of Mr. Knox	1125
	President Diaz to President Taft.	Mar. 7	Same subject. Thanks the President for the Secretary's visit.	1125
	Mr. Wilson to Mr. Weitzel	Mar. 11	Financial affairs. Transmits correspondence between the bankers and the financial experts in regard to railway and canal projects considered in connection with the loan.	1096
	President Taft to President Diaz.	Mar. 12	Visit of the Secretary. Reply to the foregoing	1127
	Mr. Weitzel to Mr. Knox (telegram).	Mar. 20	Financial affairs. The currency-plan and supplementary-loan bill has been passed by the assembly with canal feature cut out; bankers' representatives threaten rejection of bill so amended. Recommends urging bankers to accept.	1093
	Mr. Wilson to President Taft.	Mar. 21	Same subject. The passage of the currency-reform and supplementary-loan bill shows the good faith of Nicaragua and refutes the statement that it does not desire the loan convention.	1098
	Mr. Wilson to Mr. Weitzel (telegram).	Mar. 22	Same subject. Bankers will not insist on canal feature.	1099
	Messrs. Brown & Seligman to Mr. Knox.	Apr. 2	Same subject. They have entered an agreement with Nicaragua, Mar. 26, 1912, to make further temporary loans not exceeding $775,000.	1099
17	Mr. Weitzel to Mr. Knox	Apr. 7	Same subject. Incloses copies of currency-reform law enacted Mar. 20, 1912.	1099
18	Same to same	...do.....	Same subject. Incloses copies of supplementary-loan law.	1100
24	Same to same	Apr. 19	Political affairs. Incloses communication from Minister for Foreign Affairs regarding Dawson Agreements and his answer thereto. Inclosure reviews the agreements and urges necessity thereunder of calling popular presidential election.	1020
28	Same to same	May 2	Same subject. Transmits correspondence with Consul at Bluefields concerning political conditions on the Atlantic Coast.	1022
	....	May 10	Naturalization convention between the United States and Nicaragua. Text.	1105
	....	...do.....	Naturalization convention, supplementary, extending the time of the foregoing. Text.	1107
23	Mr. Wilson to Mr. Weitzel	May 14	Political affairs. Refers to his 24 and approves his answer to Mr. Chamorro.	1024
35	Mr. Weitzel to Mr. Knox	May 17	Financial affairs. Incloses copy of measure authorizing President to settle Ethelburga loan.	1100
	Same to same (telegram)	May 22	Same subject. Nicaragua greatly needs $900,000; purposes stated; basis for discussion given.	1100
	Messrs. Brown & Seligman to Mr. Knox.	June 3	Same subject. Incloses various contracts consequent upon the failure of the Ethelburga agreement of Dec. 9, 1911.	1101
	Mr. Knox to Mr. Weitzel (telegram).	June 8	Same subject. Mr. Wands transmits recommendation to accept plan for settlement of the 1909 loan question.	1102
50	Mr. Weitzel to Mr. Knox	June 20	Political affairs. Reports intrigues concerning presidential succession.	1025
	Same to same (telegram)	June 29	Financial affairs. The bankers' delay compels Nicaragua to make internal loans of objectionable nature.	1102
	Mr. Knox to Mr. Wickersham.	July 24	Political affairs. Secretary of War of Nicaragua, General Mena, without knowledge of the President has placed an order for two armed launches and other war material. This may be preparatory to a revolution. Requests investigation.	1026
68	Mr. Weitzel to Mr. Knox	July 31	Same subject. Relates details of the coup d'état attempted by the Minister of War, General Mena, on July 29, 1912.	1027
	Messrs. Brown & Seligman to Mr. Knox.	Aug. 2	Financial affairs. Transmits correspondence concerning relations of National Bank of Nicaragua to the loans.	1102
	....	Aug. 5	Same subject. Text of the Loan Convention made public.	1103

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to President Taft.	1912. Aug. 6	Political affairs. The American corporation owning railway Corinto to Granada and certain steamships on inland waters complains that Mena has seized its property. Upon the Minister's protest to the Government it replied that it was unable to grant the desired protection. The Minister then requested protection from the U. S. S. Annapolis, whose commanding officer sent 100 men to Managua. Recommends sending Marines from Panama.	1032
	Mr. Weitzel to Mr. Knox (telegram).	...do.....	Famine relief. Widespread want approaching famine exists throughout Nicaragua. Inquires whether the American Red Cross can be asked for aid.	1127
	Mr. Knox to Mr. Magee.....	Aug. 6	Same subject. Informs him of report by Mr. Weitzel of Aug. 5 and inquires whether the American Red Cross can send on short notice supplies for noncombatants to be distributed by our representatives.	1127
	Mr. Knox to Mr. Dodge (telegram).	Aug. 7	Same subject. Informs him of Red Cross authorization of expenditure of $1,000 for Nicaraguan sufferers; the commissary department of Canal Commission will furnish the supplies under his direction; instructs him how to purchase and ship.	1128
	Mr. Knox to Mr. Weitzel (telegram).	...do....	Same subject. Expenditure of $1,000 authorized by Red Cross. Instructs him to supervise shipment of supplies from Panama.	1128
69	Mr. Weitzel to Mr. Knox....	...do....	Political affairs. Gives further particulars of Mena's coup d'état.	1033
	Same to same (telegram)....	Aug. 8	Famine relief. He has requested $500 worth of supplies.	1128
70	Same to same...............	Aug. 9	Political affairs. Gives further particulars of political disturbance, and measures taken by the Legation for the protection of life and property.	1034
46	Mr. Adee to Mr. Weitzel....	Aug. 17	Same subject. Incloses despatch from Costa Rica regarding rumor of invasion of Nicaragua.	1037
	Mr. Adee to Messrs. Brown and Seligman.	Aug. 19	Financial affairs. Acknowledges their Aug. 2. This Government always exercises every proper effort to protect legitimate interests abroad, but can not undertake to guarantee investments; it declines to express an opinion as to the attitude it might take toward anticipated occurrences that might warrant representations of this Government.	1103
71	Mr. Weitzel to Mr. Knox....	Aug. 23	Political affairs. Gives further particulars concerning peace proposals and protest against bombarding of Managua. Arrival of 250 marines from the Canal Zone.	1037
	Same to same (telegram)....	...do.....	Famine relief. Reports progress of distribution of supplies.	1129
	Mr. Wilson to Mr. Magee....	Aug. 28	Same subject. Informs him of the relief work accomplished.	1129
72	Mr. Weitzel to Mr. Knox....	Aug. 30	Political affairs. Further particulars regarding measures taken for the protection of life and property of foreigners.	1040
	Mr. Wilson to Mr. Heimké (telegram).	Sept. 4	Same subject. Quotes telegram from President of Salvador to the President suggesting intervention of some third person. Instructs him to present the President's reply declining to entertain the suggestion and regretting the attitude of Salvador.	1042
	Mr. Wilson to Mr. Weitzel (telegram).	Sept. 4	Same subject. Instructs him to present to the Foreign Office, unofficially to communicate to the rebels, and make public the authorized declaration of policy of the United States in the present disturbances in Nicaragua.	1043
	Mr. Magee to Mr. Wilson....	...do.....	Famine relief. Refers to Mr. Wilson's suggestion of the need for further aid, and authorizes expenditure of an additional $1,000.	1129
	Mr. Adee to Mr. Weitzel (telegram).	Sept. 5	Same subject. Informs him of the additional $1,000 available.	1130
73	Mr. Weitzel to Mr. Knox....	Sept. 8	Political affairs. Gives particulars of measures taken in behalf of Americans and other foreigners at Matagalpa.	1044
	Mr. Andrews to Mr. Knox...	Sept. 10	Same subject. Incloses telegrams from the fleet regarding Nicaraguan conditions.	1045
	Mr. Hinckley to Mr. Knox (telegram).	...do....	Same subject. At an anti-American mass meeting in San Salvador the President of Salvador urged the disembarkation of American Marines as at the request of Nicaragua, and declared a friendly attitude of the United States toward Salvador.	1046

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
52	Mr. Wilson to Mr. Weitzel	1912. Sept. 11	Same subject. Incloses despatch from American Minister to Salvador concerning the attitude of Salvador and other Central American countries toward Nicaragua.	1046
	Mr. Weitzel to Mr. Knox (telegram).	Sept. 13	Same subject. Refers to his Sept. 4, 7 p. m.; has delivered to Foreign Office this Government's authorized declaration of policy.	1048
	Same to same (telegram)	Sept. 14	Financial affairs. Recommends urging bankers to make immediate advances.	1104
	Same to same (telegram)	Sept. 23	Same subject. Renews recommendation to urge bankers to make immediate advances. Transmits three alternative propositions offered by President Diaz.	1104
	Mr. Wilson to Mr. Weitzel (telegram).	Sept. 24	Political affairs. Instruction to repeat to other Legations in Central America Department's declaration of policy of Sept. 4, 7 p. m.	1048
	Mr. Wilson to Mr. Mejía (memorandum).	Sept. 26	Same subject. Memorandum of conversation with the Minister of Salvador regarding a communication from President Araujo to the President concerning Nicaragua.	1048
	Mr. Wilson to Mr. Weitzel (telegram).	Sept. 26	Same subject. Repeats the purport of President Araujo's communication to the President. The Department will ask President Araujo whether he still desires his communication to be handed to the President; and will say that this Government sees no reason whatever why the present lawful Government of Nicaragua should consider the question of giving place to any provisional government.	1050
	Same to same (telegram)	...do.....	Financial affairs. The bankers claim their plan involves no delay.	1105
	Mr. Andrews to Mr. Knox	Sept. 28	Political affairs. Incloses telegram from Admiral Southerland concerning permission to land General Mena on the Canal Zone.	1050
74	Mr. Weitzel to Mr. Knox	Sept. 29	Same subject. Describes incidents leading up to the relief of Americans and other foreigners in Granada.	1041
	Mr. Wotherspoon to The Adjutant General.	Sept. 30	Same subject. Secretary of War directs the Governor of Panama Canal Zone to allow the landing of General Mena and to keep him under surveillance.	1053
	Mr. Weitzel to Mr. Knox (telegram).	Oct. 1	Same subject. Refers to his Sept. 26, 6 p. m. President Araújo had no warrant for his suggestion of a provisional presidency for Nicaragua: believes Araújo is intriguing to name next President, but unsupported by other governments.	1054
	Mr. Wilson to Mr. Meyer	...do.....	Same subject. Refers to his Sept. 28. At request of Department of State the War Department has directed Canal Zone authorities to detain General Mena and son upon Zone territory.	1054
223	Mr. Andrews to Mr. Knox	Oct. 2	Same subject. Informs him of arrival of Mena and son at Panama. Will be kept under surveillance.	1055
	Mr. Weitzel to Mr. Knox (telegram).	...do.....	Famine relief. Reports distribution of second lot of supplies.	1130
	Mr. Wilson to Mr. Weitzel (telegram).	Oct. 4	Political affairs. Instruction to repeat Department's Sept. 26, 6 p. m., and his Oct. 1, 9 a. m., to Legation to Salvador.	1055
	Mr. Castrillo to Mr. Knox	Oct. 5	Same subject. Expresses Nicaragua's sympathy on the occasion of the killing and wounding of American marines. Nicaragua will give them full funeral honors.	1055
75	Mr. Weitzel to Mr Knox	Oct. 6	Famine relief. Gives details of distribution of supplies.	1130
	Mr. Wilson to Mr. Castrillo	Oct. 8	Political affairs. Expresses this Government's thanks for sympathy of Nicaragua and funeral honors accorded the marines.	1056
76	Mr. Weitzel to Mr. Knox	Oct. 10	Famine relief. Incloses copies of letters and affidavits relating to outrages committed by the rebels, and a letter concerning the aid given French nationals in distress.	1132
77	Same to same	Oct. 18	Political affairs. Gives further particulars regarding conditions at certain towns before entry of United States forces. Reports killing of marines.	1056
	Mr. Winthrop to Mr. Knox	Oct. 19	Same subject. Transmits message from Admiral Southerland stating disposition of forces and plan for withdrawal.	1057
	Same to same	Oct. 22	Same subject. Transmits message from Admiral Southerland stating that although no trouble is anticipated, a force on shore will be retained until after the November elections.	1058
	Mr. Weitzel to Mr. Knox (telegram).	Oct. 24	Same subject. Describes the atrocities committed at Granada by Mena's men.	1059

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Andrews to Mr. Knox...	1912. Oct. 30	Same subject. Transmits report from Admiral Southerland of operations of naval forces, and present plans; incloses memorial from the ladies of Granada thanking him for his aid.	1061
78	Mr. Weitzel to Mr. Knox....	Nov. 5	Same subject. Reports election of Adolfo Diaz and Fernando Solórzano as President and Vice President of Nicaragua from Jan. 1, 1913; the election was held in accordance with the constitution and the Dawson Agreements.	1063
86	Mr. Clare to Mr. Knox......	Nov. 9	Same subject. All quiet at Bluefields and the Tacoma might safely be withdrawn.	1064
64	Mr. Knox to Mr. Weitzel....	Nov. 12	Same subject. Incloses correspondence concerning the detention of Mena.	1065
	Messrs. Brown & Seligman to Mr. Knox.	Nov. 13	Financial affairs. Inform him of conclusion of an agreement with Nicaragua on Nov. 4, 1912, and inclose copy; by its terms they release to Nicaragua $100,000 of customs moneys heretofore collected and have set aside $400,000 out of the moneys received as the result of the Ethelburga syndicate settlement, now held as a separate fund under the agreement, to be paid to Nicaragua in installments as may be agreed upon.	1105
	Mr. Chamorro to Mr. Knox (telegram).	Nov. 14	Political affairs. The hospitality of Admiral Southerland on board the California is highly appreciated.	1066
	President Díaz to President Taft (telegram).	...do.....	Same subject. The hospitality of Admiral Southerland on board the California is highly appreciated.	1066
	Mr. Knox to Mr. Chamorro (telegram).	Nov. 16	Same subject. Response to his Nov. 14.............	1066
65	Mr. Knox to Mr. Weitzel....	Nov. 18	Same subject. Incloses the Libro Rosado of Salvador for his comment.	1066
79	Mr. Weitzel to Mr. Knox....	Nov. 25	Same subject. Admiral Southerland's fleet sailed from Corinto Nov. 14. Recounts reception on board the California of President Diaz and Cabinet. The deportment of the American forces has been favorably commented on in Nicaragua.	1067
	Mr. Knox to Mr. Weitzel (telegram).	Dec. 9	Same subject. The Canal Zone court has decided that detention of Mena is legal, but it is no longer necessary, unless so regarded by Nicaraguan Government.	1068
	Mr. Weitzel to Mr. Knox (telegram).	Dec. 11	Same subject. Nicaraguan Government believes Mena no longer dangerous.	1068
	Mr. Wilson to Mr. Weitzel (telegram).	Dec. 13	Same subject. Requests his opinion as to withdrawing all marines except 50 attached to the Corinto station ship.	1069
	Mr. Knox to Mr. Stimson (telegram).	...do.....	Same subject. Recommends to instruct Canal Zone authorities to release Mena and son.	1069
	Mr. Weitzel to Mr. Knox (telegram).	Dec. 14	Same subject. Refers to Department's Dec. 13. Believes a naval vessel should be kept at Corinto and 100 marines at Managua until Nicaraguan Government is prepared to give ample protection.	1069
70	Mr. Knox to Mr. Weitzel....	Dec. 18	Same subject. Refers to his 68 of July 31; his action as therein reported is approved.	1070
90	Mr. Weitzel to Mr. Knox....	Dec. 21	Same subject. Refers to Department's No. 65 and the Libro Rosado of Salvador, page 2; denies the truth of Mr. López's statement therein made.	1070
71	Mr. Wilson to Mr. Weitzel...	Dec. 24	Same subject. Refers to his No. 71 of Aug. 23; his action as therein stated is approved.	1071
93	Mr. Weitzel to Mr. Knox....	Dec. 26	Same subject. The National Assembly has ratified the election of Diaz and Solórzano.	1071

PANAMA.

No.	From and to whom.	Date.	Subject.	Page.
169	Mr. Andrews to Mr. Knox...	1911. Sept. 9	Railway concessions. Incloses copy of note to the Foreign Office relating to railway concessions in general and the Dziuk concession in particular; their bearing on the canal; the attitude of the United States. Reply of the Foreign Office.	1167
173	Same to same...............	Sept. 12	Same subject. Relates the substance of an interview with Mr. Dziuk.	1169
174	Same to same...............	Sept. 14	Same subject. A special session of the Assembly has been called for Sept. 25 to modify the law covering conditions under which bids for railway construction can be made.	1170
89	Mr. Wilson to Mr. Andrews.	Sept. 20	Same subject. Reviews the history of the Panama railway concessions, the correspondence between the Legation, the Department, and various concessionaires, and instructs the Minister minutely as to the policy and attitude of the United States in regard to its relations to Panama.	1171

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
92	Same to same	1911. Sept. 22	Same subject. Acknowledges his despatches bearing on the Dziuk concession and touching the Panama-David project. Gives further directions for carrying out the instruction of Sept. 20.	1185
	Mr. Andrews to Mr. Knox (telegram).	Oct. 9	Same subject. The bill forbidding any loan for constructing the Panama-David railway, authorizing the use of the $6,000,000 on deposit in New York, and abrogating Article 138 of the Constitution, is being rushed through the Assembly.	1186
184	Same to same	...do...	Same subject. The instruction of Sept. 20 has been read to the Minister for Foreign Affairs; report of remarks by the Minister on that occasion.	1186
185	Same to same	Oct. 10	Same subject. The special session of the Assembly passed two bills, directing the use of the $6,000,000 now on deposit in New York, for railway construction, amending the Constitution so as to dispose of bonds below par, and other pertinent matters.	1187
190	Same to same	Oct. 16	Same subject. The bills referred to in his No. 185 have been vetoed.	1188
3	Mr. Adee to Mr. Dodge	Nov. 7	Same subject. Refers to Mr. Andrews's No. 188 and 190; requests a report on the situation.	1189
4	Same to same	...do...	Same subject. Refers to Mr. Andrews's No. 185, and requests a report on the Panama-David project.	1189
14	Mr. Dodge to Mr. Knox	Nov. 28	Same subject. Reports the status of the various bids; the legal situation is precisely as before the special session of the Assembly. The Government has begun to negotiate with Mr. Hebard for constructing a railroad from Aguadulce to Santiago de Veraguas, and has received an offer from Mr. Dziuk (concessionaire of the Darien Railway) to construct the Panama-David line.	1190
15	Same to same	Nov. 29	Same subject. Reports an interview with Mr. Dziuk, relating particularly to a refusal of the Government to grant an extension of the Darien project to Panama City.	1193
19	Same to same	Dec. 6	Same subject. Relates a conversation with Mr. Obarrio regarding the Panama-David project.	1194
21	Same to same	...do...	Election supervision. President Arosemena is anxious to be reelected and will therefore probably take the leave of absence required by law in such a case.	1133
	Mr. Meyer to Mr. Knox	Dec. 11	Wireless telegraph. Requests any available information concerning existing or proposed wireless telegraph installations in Panama.	1206
12	Mr. Knox to Mr. Dodge	Dec. 12	Railway concessions. Acknowledges his No. 15 and refers him to Department's No. 89 of Sept. 20.	1196
	Mr. Winthrop to Mr. Knox.	Dec. 13	Wireless telegraph. The Joint Board recommends "that an understanding be reached with Panama to prevent the establishments of private and commercial wireless installations in its territory." Requests this Department to take steps to that end as such establishments would seriously interfere with our national policy concerning the Canal Zone.	1206
14	Mr. Knox to Mr. Dodge	Dec. 15	Same subject. Transmits the Navy Department's request; instructs him to investigate and report; informs him of the purport of past correspondence.	1206
	Same to same (telegram)	Dec. 16	Same subject. Instructions to the same effect as in No. 14.	1207
	Same to same	Dec. 19	Same subject. Incloses correspondence for his information.	1207
	Mr. Knox to Mr. Meyer	Dec. 20	Same subject. The Minister has been instructed in accordance with his request of Dec. 11.	1208
	Same to same	...do...	Same subject. The Minister has been informed of the contents of his letter of Dec. 13.	1208
	Mr. Dodge to Mr. Knox (telegram).	Dec. 21	Same subject. The Government of Panama agrees to the proposal of the Department in its telegram of Dec. 16.	1209
	Mr. Knox to Mr. Dodge	...do...	Railway concessions. Acknowledges his No. 19	1196
30	Mr. Dodge to Mr. Knox	Dec. 22	Same subject. Refers to his No. 19, and incloses draft contract for a railway from Aguadulce.	1196
	Mr. Wilson to Mr. Meyer	Dec. 26	Wireless telegraph. Requests the Navy Department's expression as to a plan by which it could handle all wireless messages to and from Panama.	1209
33	Mr. Dodge to Mr. Knox	...do...	Same subject. Enlarges upon his telegram of Dec. 21. The Government of Panama has a small apparatus at Panama City; the United Fruit Co. one at Bocas del Toro. Nothing will be done to alter the status quo without consultation with the United States.	1209

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
36	Same to same	1911. Dec. 29	Election supervision. The new Minister to the United States, Mr. Arias, expresses his opinions concerning the future relations of the two countries, and of President Arosemena's candidature for reelection. Mr. Dodge indicated the impartial attitude of the United States.	1133
41	Same to same	1912. Jan. 3	Wireless telegraph. The Minister has informed the Government of Panama that its arrangement with the United Fruit Co. has never been brought to the attention of this Government, contrary to Panama's assurances in regard to such cases. Incloses Subinspector Clarke's report to the Navy Department on wireless installations on the Isthmus.	1211
	Mr. Knox to Mr. Meyer	Jan. 6	Same subject. Discusses the probable attitude of the Government of Panama concerning prevention of establishment of private stations.	1215
	Mr. Knox to Mr. Dodge	Jan. 11	Same subject. His despatch No. 33 has been sent to the Secretary of the Navy.	1215
	Mr. Meyer to Mr. Knox	...do	Same subject. The Navy Department will submit recommendations concerning an agreement with Panama for a wireless system on the Isthmus outside the Canal Zone.	1216
25	Mr. Knox to Mr. Dodge	Jan. 17	Same subject. His despatch No. 41 has been sent to the Secretary of the Navy. Incloses Navy Department's Jan. 11.	1216
	Mr. Knox to Mr. Meyer	..do	Same subject. Incloses the Minister's No. 41	1216
54	Mr. Dodge to Mr. Knox	Jan. 18	Reinstatement of police officers. Seven police officers, dismissed upon the demand of the American Government for brutalities toward seamen of the U. S. S. Buffalo, Sept. 28, 1908, have been reinstated in the Panaman police.	1261
	Mr. Meyer to Mr. Knox	Jan. 23	Wireless telegraph. The desired sites have been decided upon; requests this Department to take steps towards their cession by Panama. Gives details of Navy Department's plan.	1217
	Mr. Hilles to Mr. Knox	..do	Election supervision. Incloses the President's telegram to Colonel Goethals instructing him to say to Mr. Boyd, Second Designate, that he hopes he will take President Arosemena's place during his absence.	1134
	Mr. Dodge to Mr. Knox (telegram).	Jan. 27	Same subject. The Minister of Panama at Washington has been instructed to ask whether this Government will consent to supervise the elections, to secure impartiality.	1135
	Same to same (telegram)	Jan. 31	Same subject. Boyd, Second Designate, has formally declined to succeed Arosemena.	1135
29	Mr. Knox to Mr. Dodge	...do	Wireless telegraph. Transmits the Navy Department's letter of Jan. 23, the proposals of which are being studied by this Department, to determine the form of negotiations with Panama.	1218
	Mr. Dodge to Mr. Knox (telegram).	Feb. 1	Election supervision. Chiari, the Third Designate, will succeed Arosemena.	1135
31	Mr. Knox to Mr. Dodge	Feb. 2	Railway concessions. Acknowledges his No. 14 of Nov. 28; the Panama-David project is being considered by the War Department.	1197
4	Mr. Arias to Mr. Knox	Feb. 5	Election supervision. Informs him of Mr. Chiari's succession to the presidency.	1135
	Mr. Dodge to Mr. Knox (telegram).	Feb. 10	Wireless telegraph. The Government of Panama has ordered an apparatus for Government use to be erected on the National Theater at Panama City. Subinspector Clarke of the Navy Department says it will cease to interfere with the proposed Navy apparatus. The Minister has obtained a delay pending instruction.	1218
	Mr. Wilson to Mr. Arias	Feb. 13	Visit of the Secretary of State. Notifies him of the prospective visit of the Secretary of State to the republics of Central America and the Caribbean Sea.	1240
71	Mr. Dodge to Mr. Knox	Feb. 14	Wireless telegraph. Enlarges upon the matter contained in his telegram of Feb. 10.	1219
	Mr. Arias to Mr. Wilson	Feb. 15	Visit of the Secretary of State. The prospective visit of the Secretary will be received by the Government of Panama with positive satisfaction.	1241
34	Mr. Wilson to Mr. Dodge	Feb. 19	Reinstatement of police officers. Instructs him that the discharge of the policemen contemplated their permanent separation from the force and this Government is disagreeably impressed by the reinstatement.	1262

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1912. Feb. 24	Visit of the Secretary of State. Instructs him to inform the Government of Panama that the Secretary will arrive Feb. 27 and proceed to Costa Rica, Feb. 29.	1241
	Mr. Dodge to Mr. Knox (telegram).	Feb. 25	Same subject. Transmits an expression by the Government of Panama of its pleasure in the prospective visit of the Secretary.	1241
	Mr. Arosemena to Mr. Knox.	Feb. 27	Same subject. Address of welcome by the Governor of Colon.	1242
	Mr. Knox to Mr. Arosemena.	...do.....	Same subject. Speech in reply......................	1242
	Mr. Arjona to Mr. Knox.....	Feb. 28	Same subject. Speech by the Minister for Foreign Affairs at a dinner given to Mr. Knox.	1243
	Mr. Knox to Mr. Arjona......	...do.....	Same subject. Speech in reply......................	1245
79	Mr. Dodge to Mr. Knox.....	Mar. 5	Same subject. An account of the Secretary's visit in Panama.	1247
	Same to same (telegram)....	...do.....	Railway concessions. The Dziuk concession has been revoked.	1197
78	Same to same...............	...do.....	Same subject. Enlarges upon his telegram of Mar 5.	1198
84	Same to same...............	Mar. 9	Visit of the Secretary of State. Incloses a note of thanks sent by him to the Minister for Foreign Affairs for the reception tendered to Mr. Knox, and the response of the Minister.	1249
96	Same to same...............	Mar. 22	Railway concessions. Incloses a note from the Minister for Foreign Affairs regarding the projected section of the Panama-David road.	1198
97	Same to same...............	Mar. 23	Reinstatement of police officers. The Panaman Government has dismissed the officers objected to; incloses note from the Minister for Foreign Affairs to that effect.	1263
	Mr. Wilson to Mr. Dodge (telegram).	Apr. 4	Railway concessions. The Department is considering the matter mentioned in his No. 96.	1200
	Same to same...............	Apr. 6	Reinstatement of police officers. Acknowledges his No. 97; the Department is gratified at the rectification of the error and the expressions of the Foreign Office in its note.	1264
42	Same to same...............	Apr. 8	Railway concessions. Informs him of the formation of a board to investigate Panama railroad projects, of which the Minister is made a member; instructs him how to proceed.	1200
43	Same to same...............	Apr. 15	Wireless telegraph. Incloses a memorandum by the Solicitor of the Department dated Apr. 4, 1912, considering the subject of the establishment of wireless telegraph stations in Panama from the point of view of the rights given to the United States by the treaty of 1903; in the Solicitor's opinion those rights make it unnecessary to enter into negotiations with Panama for acquirement of authority to establish such stations; this opinion is fortified by numerous citations of decisions and other authorities.	1221
	Mr. Wilson to Mr. Meyer....	...do.....	Same subject. Incloses the Solicitor's memorandum of Apr. 4; inquires whether it is the Navy Department's desire that this Department now proceed to notify the Government of Panama of the purpose of the United States to acquire sites for wireless stations in accordance with the rights granted by treaty.	1233
	Mr. Meyer to Mr. Knox.....	Apr. 19	Same subject. Replies to his Apr. 15; he will request this Department to acquire the sites mentioned after concluding certain tests now being conducted.	1233
	Same to same...............	Apr. 22	Same subject. Reiterates his objection to the National Theater installation by the Government of Panama and requests that the Minister be instructed to use his influence against the erection of any radio stations in Panama except those of the Navy Department.	1234
	Mr. Knox to Mr. Dodge.....	Apr. 25	Same subject. Incloses the letter from the Secretary of the Navy dated Apr. 19.	1234
	Mr. Dodge to Mr. Knox (telegram).	...do.....	Election supervision. The party of Belisario Porras has requested supervision by the United States of the Panaman elections.	1136
	Same to same (telegram)....	May 4	Same subject. The party of President Arosemena request supervision by the United States of the Panaman elections.	1136
	Mr. Wilson to Mr. Dodge (telegram).	May 7	Railway concessions. Inquires concerning progress of matter mentioned in Department's No. 42.	1201
127	Mr. Dodge to Mr. Knox....	May 8	Election supervision. Incloses petition of the Patriotic Union (for Arosemena's candidate, Diaz) requesting supervision by the United States of the Panaman elections.	1136

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page
	Mr. Wilson to Mr. Dodge (telegram).	1912. May 9	Same subject. Instructs him to learn whether the presidential candidates, Porras and Diaz, favor American supervision of registration of voters and of the elections. Inquires whether he, Colonel Goethals, and Colonel Fletcher could act as a committee for that purpose.	1137
	Mr. Dodge to Mr. Knox (telegram).	...do.....	Same subject. Representatives of Porras and Diaz declare in writing that both parties and their leaders desire American supervision.	1138
	Mr. Wilson to President Taft	May 10	Same subject. Informs him of the political situation in Panama, the desire of the Government and both parties for American supervision of the approaching elections; recalls precedents therefor; incloses request therefor by the Minister of Panama; recommends such supervision.	1138
12	Mr. Wilson to Mr. Arias.....	...do.....	Same subject. Acknowledges his May 6 (included in letter to Mr. Taft).	1140
	President Taft to Mr. Wilson.	...do.....	Same subject. Directs him to instruct the American Minister that he, as chairman, and Colonel Goethals and Colonel Greene are to act as a committee to supervise registrations and elections in Panama.	1141
	Mr. Wilson to Mr. Meyer....	May 11	Wireless telegraph. Incloses an instruction to the Minister dated May 13.	1235
51	Mr. Wilson to Mr. Dodge....	May 13	Same subject. Incloses letter from the Secretary of the Navy dated Apr. 22; instructs him, guided by the Solicitor's memorandum of Apr. 4, to use his influence against the erection of any radio stations in Panama except those of the Navy Department.	1235
	Mr. Wilson to Mr. Arias.....	...do.....	Election supervision. Informs him of the action directed by the President to be taken.	1141
	Mr. Wilson to Mr. Dodge (telegram).	...do.....	Same subject. The President has decided to have this Government supervise the elections and has appointed Mr. Dodge, Colonel Goethals, and Colonel Greene to conduct the supervision. Instructs him so to inform the Government of Panama.	1142
128	Mr. Dodge to Mr. Knox.....	...do.....	Railway concessions. Incloses report of the board and copy of the contract.	1201
130	Same to same...............	May 14	Election supervision. The Department's instruction of May 13 has been executed.	1142
20	Mr. Arias to Mr. Wilson.....	May 16	Same subject. Acknowledges his May 13 with thanks.	1143
134	Mr. Dodge to Mr. Knox.....	May 20	Same subject. Reports the measures decided on by the supervisory committee.	1143
	Mr. Knox to Mr. Dodge (telegram).	May 31	Railway concessions. The Department desires the omission from the contract transmitted in his No. 128 of certain portions relating to renunciation of diplomatic remedy for disagreements between the parties, and to hypothecation of the $250,000 annuity.	1203
	Same to same (telegram)....	June 6	Election supervision. Reports request of Mr. Chiari, Minister for Foreign Affairs, to extend American supervision to control of the police. Refers the matter to the committee.	1145
141	Mr. Dodge to Mr. Knox.....	June 8	Same subject. Reports intimidation of the Porras partisans by the police. The committee favor Mr. Chiari's request that they extend their supervision to the police.	1145
	Same to same (telegram)....	June 9	Same subject. Recommends extending committee's supervision to the municipal elections, and requests instructions.	1146
	Mr. Knox to Mr. Dodge (telegram).	June 10	Same subject. This Government consents to the request concerning municipal elections.	1147
148	Mr. Dodge to Mr. Knox.....	June 12	Wireless telegraph. Refers to instruction No. 51 of May 13, with which he is complying. The National Theater installation was not, he believes, an intentional breach of agreement by Panama. Recommends purchase of this plant by the United States.	1235
149	Same to same..............	June 14	Election supervision. Reports steps taken to stop police interference with the committee's work.	1147
	Same to same (telegram)....	June 19	Same subject. Requests authority to call upon the Tenth Infantry and the Marines in case of need.	1148
152	Same to same..............	June 25	Same subject. Reports proceedings of the committee and incloses instructions to supervisors of voting.	1148
	Mr. Knox to Mr. Dodge (telegram).	June 28	Same subject. Reports irregularities by Porras party complained of by the Minister of Panama; also his complaint that Mr. Dodge has suppressed a letter from the President thanking President Arosemena for his congratulations on renomination. Instructs him that if it will not affect the elections he may make the letter public.	1152

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)	1912. June 28	Same subject. Replies to his request for authority to call on the Tenth Infantry and the Marines. The request is granted.	1153
	Mr. Knox to Mr. Meyer	June 29	Wireless telegraph. Incloses the Minister's No. 148 and requests the Navy Department's comments.	1236
	Mr. Dodge to Mr. Knox (telegram).	June 30	Election supervision. Replies to Departments June 28, 1 p. m. All complaints might be brought before the committee. The committee did not suppress the congratulatory letter, but objected to the manner of its publication. The Government is endeavoring to obstruct the committee's work.	1153
	Same to same (telegram)	do	Same subject. The elections are being conducted satisfactorily. Porras undoubtedly elected.	1154
153	Same to same	July 1	Same subject. Comment on the election-day happenings. Diaz partisans refused to vote in some districts, charging fraud. They did not expect the committee's supervision to be effective and are bitter over its thorough supervision.	1154
	Mr. Winthrop to Mr. Knox.	July 2	Wireless telegraph. Refers to his June 29, and reiterates his Department's opinion concerning erection of radio stations by private individuals or by the Government of Panama. The Navy Department is ready to purchase the National Theater radio apparatus.	1237
	Mr. Knox to Mr. Dodge (telegram).	July 3	Election supervision. The Diaz partisans request the President to postpone the next elections so they can present charges of fraud. The President has referred the matter to the committee.	1155
	Mr. Dodge to Mr. Knox (telegram).	July 4	Assault upon American citizens. One American civilian killed, others wounded, also United States unarmed soldiers, by police in unprovoked attack upon American citizens.	1250
154	Same to same	July 8	Election supervision. Describes methods of the Government to prevent the execution of the committee's instructions; demands made by the committee. Proposal made by Unión Patriótica to place police, finances, and electoral reforms in charge of the United States.	1156
	Same to same (telegram)	July 9	Same subject. Supervisory committee thinks it necessary to fair elections to request Panaman Government to order immediate deposit of all arms of police under guard of supervisors.	1158
	Same to same (telegram)	do	Assault on American citizens. Confirms his July 4; recommends that Government of Panama be requested to suspend Chief of Police Quijano and Inspector General of Police de la Ossa, the officers for the attack.	1250
61	Mr. Knox to Mr. Dodge	July 10	Wireless telegraph. Instructs him to say to the Foreign Office that the Navy Department will buy the National Theater apparatus.	1237
	Same to same (telegram)	July 11	Election supervision. Refers to his July 9; this Government will not be a party to postponing elections; intends to stand by the committee and see that fair elections are held. Instructs him so to inform the Government.	1158
	Mr. Dodge to Mr. Knox (telegram).	July 13	Same subject. Refers to his July 9; committee has informed the Foreign Office of its intention to execute the instructions it has received. Diaz leaders advise their partisans not to vote.	1159
	Same to same (telegram)	July 16	Same subject. Reports satisfactory elections in most districts; where there are disorders protests have been made to the Government.	1159
161	Same to same	July 20	Same subject. Refers to his No. 154 and reports reply of the Foreign Office to the demands made by the committee; it is so unsatisfactory that the committee has decided to make no further representations to the Government, but to act on the authority already granted it. Summarizes further correspondence with the Unión Patriótica regarding postponement of elections; refers to manifesto withdrawing candidacy of Diaz and charging the committee with fraud. Comments on the election laws and on the election.	1160
166	Same to same	July 27	Same subject. Further comment on the elections. Dr. Porras will be inaugurated Oct. 1, 1912. The committee's accounts will be audited and sent to the Department.	1164
	Same to same (telegram)	Aug. 3	Same subject. The electoral assemblies unanimously elected Dr. Porras to be President of Panama on Aug. 2, 1912.	1165

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page
179	Same to same	1912. Aug. 7	Wireless telegraph. He has complied with the instruction No. 61 regarding the National theater apparatus. Major Butler, U. S. M. C., will report against erecting the apparatus in Panaman territory; the Minister concurs.	1238
	Same to same (telegram)	Aug. 20	Railway concessions. Refers to Department's telegram of May 31. The present administration, having only five weeks more in office, is inclined to defer conclusion of the railroad contract to the new administration.	1203
	Same to same (telegram)	Aug. 21	Same subject. The Minister is informed of a substitution in the contract of the $6,000,000 on deposit in New York for the $250,000 annuity, said to have been made with the consent of the Department.	1204
	Mr. Adee to Mr. Dodge (telegram).	Aug. 22	Same subject. Instructs him to inform the Foreign Office that the substitution in the contract, mentioned in Mr. Dodge's telegrams of Aug. 20 and 21, was not made with the knowledge or consent of the department.	1204
	Mr. Adee to Mr. Meyer	do	Wireless telegraph. Incloses the Minister's Aug. 7	1238
	Mr. Adee to Mr. Dodge	do	Same subject. Acknowledges his No. 179 of Aug. 7, which he has forwarded to the Navy Department.	1239
	Same to same (telegram)	do	Assault on American citizens. Instructs him immediately to make demand for removal of Quijano and de la Ossa.	1251
194	Mr. Dodge to Mr. Knox	Aug. 24	Railway concessions. He has complied with the instruction of Aug. 22 and incloses copy of the correspondence on the subject with the Foreign Office.	1204
197	Same to same	Aug. 26	Assault on American citizens. His note in pursuance of instructions of Aug. 22, delivered Aug. 23. Quijano hurriedly left the country the same day.	1251
	Same to same (telegram)	Aug. 27	Same subject. The note of the Foreign Office in response to the Minister's note of Aug. 23 is argumentative and dilatory.	1253
	Mr. Twining to Mr. Knox	Aug. 29	Wireless telegraph. Acknowledges his Aug. 22; agrees with the Minister's recommendation that the National Theater apparatus should not be operated upon Panaman territory.	1239
	Mr. Wilson to Mr. Dodge (telegram).	Aug. 30	Assault on American citizens. Instructs him to repeat his demand for the immediate removal of the responsible officers and for the proper reorganization of the police force.	1254
201	Mr. Dodge to Mr. Knox	Sept. 2	Same subject. Incloses his note of Aug. 31 to the Foreign Office in pursuance of the instructions of Aug. 30, and reply of the Foreign Office of Sept. 2, saying that de la Ossa had been separated from the captaincy of the police.	1254
204	Same to same	Sept. 3	Railway commission. Refers to his No. 194 and gives further reasons for the postponement by the Panaman Government of action on the contract.	1205
206	Same to same	Sept. 5	Assault upon American citizens. Refers to his 201; police transfers and resignations are making it difficult to secure evidence.	1256
75	Mr. Wilson to Mr. Andrews	Sept. 19	Same subject. Mr. Dodge's action is approved	1256
	Mr. Wilson to Mr. Dodge (telegram).	Sept. 24	Same subject. Instructs him to insist on immediate and adequate punishment of those criminally liable for the attack on American citizens; on an indemnity for killing and wounding American citizens; and on a formal expression of regret by the Government of Panama for the affair, unless its character be hereafter discovered materially changed by the facts.	1257
	Mr. Andrews to Mr. Knox (telegram).	Sept. 30	Same subject. The response of the Foreign Office to his note based on the instructions of Sept. 24 is argumentative and unsatisfactory; summary given; it is dated on the last day of the Arosemena administration; accompanying it is a bulky book of testimony; the Minister inquires concerning translation thereof.	1257
	President Taft to President Porras (telegram).	Oct. 1	Inauguration of President Porras. Congratulates him upon his inauguration.	1165
220	Mr. Andrews to Mr. Knox	Oct. 2	Same subject. Notifies him of the inauguration	1165
30	Mr. Brin to Mr. Wilson	Oct. 4	Same subject. Notifies him of the inauguration	1165
	Mr. Wilson to Mr. Andrews (telegram).	Oct. 5	Assault upon American citizens. Instruction to translate the testimony at the Legation.	1258
16	Mr. Wilson to Mr. Brin	Oct. 12	Wireless telegraph. Asks if it will be agreeable to his Government to receive payment through the Consul General of Panama at New York, for the National Theater radio apparatus.	1239

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page
3210	Mr. Lefevre to Mr. Knox....	1912. Oct. 14	Inauguration of President Porras. Transmits the autograph letter of President Porras to the President announcing his inauguration.	1166
238	Mr. Andrews to Mr. Knox..	Oct. 28	Assault on American citizens. The Government is not expediting the search for the guilty policemen; incloses copy of his note in that connection.	1258
	Mr. Adee to Mr. Lefevre....	Oct. 31	Inauguration of President Porras. Acknowledges his letter of Oct. 14.	1166
240	Mr. Andrews to Mr. Knox..	Nov. 1	Assault upon American citizens. Refers to his 238 of Oct. 28 and incloses note of Foreign Office declaring the sincere determination of the Government to identify and punish the guilty policemen.	1259
88	Mr. Knox to Mr. Andrews..	Nov. 12	Same subject. Acknowledges his No. 238 and approves his action.	1259
89	Mr. Knox to Mr. Andrews...	Nov. 14	Inauguration of President Porras. Transmits the President's letter in reply to President Porras.	1167
249	Mr. Andrews to Mr. Knox...	Nov. 19	Assault upon American citizens. The Government requests copy of the testimony secured by the Legation, to assist it in placing the blame upon men higher up in the former administration. Requests instructions.	1260
	Mr. Wilson to Mr. Andrews..	Nov. 23	Same subject. Acknowledges his No. 240..........	1260
42	Mr. Valdés to Mr. Knox.....	Nov. 26	Wireless telegraph. Refers to his No. 16 of Oct. 12; assures him that the Government of Panama has no objection to the method of payment he mentions.	1240
96	Mr. Wilson to Mr. Dodge....	Dec. 27	Assault upon American citizens. Acknowledges Mr. Andrews's No. 249; instructs him to confer with the officials of the Canal Zone with reference to furnishing the Government of Panama with the collected testimony.	1260

PARAGUAY.

	Mr. Ferris to Mr. Knox.....	1911. Apr. 17	Political affairs. Transmits report on the insurrection of Feb. and Mar., 1911.	1265
40	Mr. Morgan to Mr. Knox....	July 6	Same subject. Transmits letter from Mr. Ferris giving the latest political events in Paraguay.	1267
	Mr. Turner to Mr. Knox (telegram).	July 8	Same subject. President Jara arrested; a provisional government will be formed.	1268
41	Same to same...............	July 20	Same subject. Incloses letter from Mr. Ferris reporting a coup d' état at Asuncion, July 14.	1268
42	Same to same...............	Aug. 8	Same subject. Incloses dispatch from Mr. Ferris concerning affairs in Paraguay.	1269
6	Mr. Wilson to Mr. Turner...	Aug. 24	Same subject. Instructs him to make clear who succeeded President Jara as Provisional President of Paraguay and make a full report of events since the fall of Jara.	1269
	Mr. Grevstad to Mr. Knox (telegram).	Oct. 5	Same subject. Provisional President Rojas confirmed by Congress. Isasi is Minister for Foreign Affairs.	1270
	Same to same (telegram)....	Nov. 7	Same subject. Critical situation, owing to the return of Jara.	1270
	Same to same (telegram)....	Nov. 23	Same subject. Another revolution is on, led by Gondra and Schaerer. Jara is believed to be with the Government.	1270
6	Same to same...............	Nov. 24	Same subject. Amplifies the telegram of Nov. 23....	1270
12	Same to same (telegram)....	Dec. 5	Same subject. Paraguayan Government charges Argentine's support of revolution; Brazil and Uruguay in sympathy with the Government.	1271
	Same to same (telegram)....	Dec. 12	Same subject. At request of the Diplomatic Corps the Argentine and Brazilian naval commanders at Asuncion have forbidden revolutionist war vessels to shell the city.	1271
	Same to same...............	Dec. 20	Same subject. Incloses statement showing presidential succession in Paraguay from 1870 to the present.	1271
	Same to same (telegram)....	Dec. 21	Same subject. Isasi is succeeded by Irala in the Foreign Office. Brazil and Argentina both strengthen their fleets. Brazil for, Argentina against the Government.	1273
	Same to same (telegram)....	1912. Jan. 15	Same subject. The Government overthrown Jan. 14; President Rojas and others arrested.	1273
26	Same to same...............	Mar. 8	Same subject. Peña succeeds Rojas as Provisional President; personnel of new cabinet given. Quotes note from Minister of Foreign Relations to the Legation. Comment on the situation.	1273

PARAGUAY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)….	1912. Mar. 25	Same subject. Navero succeeds Peña as Provisional Revolutionary President. Jara believed to be marching on Asuncion.	1274
	Same to same (telegram)….	Apr. 2	Same subject. Diplomatic Corps recognized new provisional government, except Brazilian Minister, awaiting instruction. Mr. Grevstad recommends recognition by United States.	1274
	Mr. Wilson to Mr. Grevstad (telegram).	May 3	Same subject. The Department is withholding judgment in view of the new political disturbances.	1274
	Mr. Pennoyer to Mr. Knox (telegram).	May 17	Same subject. Jara died May 15…………………	1274
34	Same to same……………	May 30	Same subject. Incloses report by Mr. Ferris regarding political conditions; discusses presidential possibilities.	1275
36	Same to same……………	July 26	Same subject. Submits report on internal conditions in Paraguay. Provisional President Naviro is succeeded by Schaerer, elected by Congress as Constitutional President. Personnel of the Cabinet given. Claims commission appointed by Congress. Review of Paraguay's financial condition.	1276
450	Mr. Montero to Mr. Knox…	Aug. 17	Same subject. Incloses autograph letter of President Schaerer to the President, announcing his inauguration Aug. 15.	1277
	Mr. Knox to Mr. Montero…	Nov. 29	Same subject. President Schaerer's letter has been laid before the President.	1277
12	Mr. Knox to Mr. Pennoyer..	Dec. 17	Same subject. Incloses the President's letter to the President of Paraguay, acknowledging receipt of his letter of Aug. 15, and congratulating him upon his election.	1278

PERU.

146	Mr. Pickerell to Mr. Knox..	1912. Mar. 29	Sanitation of Iquitos. Transmits inquiry from Commercial Association of Iquitos for bids on sewerage and water supply contracts under a loan for £200,000 (Peruvian) issued by the city of Iquitos.	1280
	Mr. Howard to Mr. Knox (telegram).	Apr. 17	Same subject. The President asks the Department to recommend some one to undertake the sanitation of Iquitos.	1280
	Mr. Knox to Mr. Howard (telegram).	Apr. 18	Same subject. The Department would desire to assure the man recommended that he would have full authority so as to make his work effective.	1280
	Mr. Howard to Mr. Knox (telegram).	Apr. 23	Same subject. Full power will be given to the expert.	1281
	Mr. Knox to Mr. MacVeagh.	Apr. 24	Same subject. Requests that he recommend, with the advice of the Surgeon General of the Public Health and Marine Hospital Service, one or more men qualified to fill the position at Iquitos.	1281
	Mr. Wilson to Mr. MacVeagh	May 4	Same subject. The President of Peru makes a proposal as to the salary of the expert.	1281
	Mr. Pezet to Mr. Knox……	May 8	Boundary dispute with Bolivia. The Minister announces signing of a protocol at La Paz on May 6 whereby the special commission appointed to mark out the boundaries between Peru and Bolivia were empowered to establish the confines between the rivers Heath and Naverija; that they have agreed upon the entire boundary line and the frontier question between the two countries is definitely settled.	1279
4	Mr. Wilson to Mr. Pezet…..	May 13	Same subject. Acknowledges his May 8 and congratulates him upon the definite settlement of the boundary question.	1279
	Mr. Curtis to Mr. Knox…..	May 18	Sanitation of Iquitos. Recommends Acting Assistant Surgeon G. M. Converse for the Iquitos work, and states terms of employment.	1282
	Mr. Knox to Mr. Howard (telegram).	May 21	Same subject. Quotes the letter from the Acting Secretary of the Treasury dated May 18, and states that three civilians have also been recommended but have not yet been consulted as to their willingness to undertake the work.	1282
	Mr. Knox to Mr. Stimson…	…do…..	Same subject. Acknowledges his recommendation of three civilians. The Peruvian Government has already been advised of the recommendation made by the Treasury Department of Doctor Converse.	1282
	Mr. Howard to Mr. Knox (telegram).	May 25	Same subject. Doctor Converse has been appointed by the President of Peru.	1283
	Mr. Wilson to Mr. MacVeagh.	May 27	Same subject. Informs him of the details of the appointment of Doctor Converse.	1283

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Howard to Mr. Knox (telegram).	1912. Aug. 15	Same subject. The President of Peru asks that the Department recommend another engineer to collaborate with Doctor Converse.	1284
	Mr. Adee to Mr. Howard (telegram).	Aug. 19	Same subject. The Department is consulting the War Department and the American Society of Civil Engineers in regard to the request of Aug. 15.	1284
	Mr. Wilson to Mr. Bayless..	Oct. 4	Same subject. Informs him of his recommendation to the President of Peru, to cooperate with Doctor Converse.	1284
	Mr. Adee to Mr. Howard....	Nov. 1	Same subject. Transmits letter of acceptance of Mr. Bayless.	1285

RUSSIA.

	Mr. De Rosen to Mr. Knox..	1910. Apr. 12	Extension of limit of territorial waters to 12 miles. The Russian Government desires to learn whether the British Government have ever protested against the enactment of American laws providing for a zone of 4 leagues (12 miles) within which the authority of the United States Customs officers is exercised (Revised Statutes, sections 2760, 2867, and 3067); if so, the nature of the reply of the United States.	1287
	Mr. Knox to Mr. De Rosen..	Apr. 18	Same subject. Refers to the Russian Embassy's memorandum of Apr. 12; there is no record of any protest at any time by Great Britain against the enactment of the laws referred to.	1287
363	Mr. Rockhill to Mr. Knox...	Sept. 30	Same subject. Incloses copy of a law promulgated by Russia Jan. 1/14, 1910, extending authority of Russian Customs to 12 marine miles from low-water mark. The British Government, with reference thereto, gave notice that it reserved the rights of its subjects as fixed by international usage; to which the Russian Government replied that in the absence of treaty provisions to the contrary the extension was a question of domestic regulation. The British Government thereupon declined to acquiesce in a claim to jurisdiction beyond the 3-mile limit. To this the Russian Government has not yet replied. Requests instructions.	1287
	Mr. Woolsey to Mr. Knox...	Dec. 28	Same subject. Memorandum of the Solicitor of the Department of State in regard to municipal seizures beyond the three-mile limit.	1289
452	Mr. Rockhill to Mr. Knox...	1911. Jan. 16	Same subject. Refers to his No. 363. The disposition of the Russian Government to establish a 12-mile limit for other purposes than those of customs supervision is indicated by a bill relating to fisheries now before the Duma.	1298
135	Mr. Knox to Mr. Rockhill...	Jan. 21	Same subject. Acknowledges his No. 363 and instructs him to inform himself on the jurisdiction assumed under the Russian law and report fully. Also to inform the Minister for Foreign Affairs that the United States reserves all rights of whatever nature.	1298
466	Mr. Rockhill to Mr. Knox...	Feb. 13	Same subject. Refers to Department's No. 135, and says that the Minister for Foreign Affairs regards the control at 12 miles as in keeping with the principles of international law.	1299
148	Mr. Adee to Mr. Rockhill...	Mar. 11	Same subject. Refers to his No. 466; the Department awaits further information.	1300
506	Mr. Rockhill to Mr. Knox...	Mar. 28	Same subject. Refers to Department's 148; the Government is still discussing the matter with Great Britain.	1300
157	Mr. Knox to Mr. Rockhill...	Apr. 21	Same subject. Refers to his No. 506; the Department is awaiting further information.	1300
558	Mr. Rockhill to Mr. Knox...	May 16	Same subject. Acknowledges Department's 157; a bill extending the 12-mile limit for the protection of fisheries in the Government of Archangel is before the Duma.	1300
168	Mr. Knox to Mr. Rockhill...	June 6	Same subject. Acknowledges his 558; instructs him to keep the Department informed.	1301
592	Mr. Rockhill to Mr. Knox...	June 21	Same subject. Refers to Embassy's 558; the bill extending the 12-mile limit as to fisheries has passed the Duma; no agreement has been reached with Great Britain.	1301

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
186	Mr. Knox to Mr. Wheeler...	1911. July 18	Same subject. Acknowledges the Ambassador's 592; instructs him to keep the Department informed.	1302
641	Mr. Wheeler to Mr. Knox...	July 21	Same subject. Refers to Embassy's No. 592 and incloses text of law extending 12-mile limit as to fisheries as promulgated.	1302
59	Mr. Wilson to Mr. Guild....	1912. Jan. 19	Same subject. Refers to Mr. Rockhill's No. 452 and 592 and instructs him to report upon the present status of the Russian Government's intentions in regard to extension of its jurisdiction for the control of fisheries, and as to any protest made by interested foreign powers.	1303
173	Mr. Guild to Mr. Knox......	Feb. 3	Same subject. Refers to Department's No. 59; discusses the laws promulgated by Russia in regard to the 12-mile limit, the British Government's protest against them, Japan's protest, and an interview with the Minister for Foreign Affairs and his views.	1304
179	Same to same..............	Feb. 9	Same subject. Incloses note from the Foreign Office in regard to the Minister's inquiries relating to Spitzbergen.	1305
231	Same to same..............	Apr. 13	Same subject. The Russian Government has not replied to the Japanese protest, and will probably make no concessions.	1306
257	Mr. Wilson to Mr. Knox....	May 15	Same subject. The Japanese Embassy informs him that no changes have occurred in the situation.	1307
313	Same to same..............	July 19	Same subject. Incloses copy of a note from the Foreign Office in reply to Japan's protest dated in Mar. 1911.	1307
367	Same to same..............	Sept. 10	Same subject. Notes are still being exchanged between Japan and Russia.	1308

SALVADOR.

116	Mr. Knox to Mr. Hitt.......	1911. Dec. 12	Political disturbances. Allegations having from time to time since September last reached the Department tending to show that the Presidents of Guatemala and Honduras are actively supporting a movement to subvert the Government of Salvador, and also to misrepresent in that connection the attitude of the Government of the United States and to prevent the proper observance of the Washington conventions and of the neutrality statutes of the United States, the Department contemplates giving publicity to the information on this subject at its disposal if the hostile movement against Salvador does not cease.	1310
197	Mr. Hitt to Mr. Knox.......	1912. Jan. 2	Same subject. Acknowledges Department's No. 116 of Dec. 12, 1911; incloses aide mémoire handed the President of Guatemala in pursuance thereof, and memorandum from the President of Guatemala in reply thereto.	1311
	Mr. Heimke to Mr. Knox....	Jan. 7	Same subject. Acknowledges receipt of a copy of the Department's No. 116 of Dec. 12, 1911, to the Minister to Guatemala. Reports upon the situation in question; incloses a memorandum from the Minister for Foreign Affairs of a conversation with President Araujo.	1316
	Same to same (telegram)....	Jan. 10	Same subject. The President of Salvador requests that the Department be informed of a probable invasion of Salvador from Guatemala.	1318
	Mr. Knox to Mr. Heimke (telegram).	Jan. 11	Same subject. Instructs him to repeat to Guatemala his telegram of Jan. 10.	1319
	Mr. Knox to Mr. Hitt (telegram).	...do.....	Same subject. On receipt of Mr. Heimke's telegram of Jan. 10, he will immediately take up the matter with the President of Guatemala, impressing him with the necessity for stopping hostile movement against Salvador and disregard of the Washington conventions.	1319
	Mr. Heimke to Mr. Knox....	Jan. 11	Same subject. Refers to his dispatch of Jan. 7, and telegram of Jan. 10; transmits correspondence handed him by President Araujo showing that along the frontier Guatemala is maintaining military activities directed against Salvador in cooperation with Bonilla in Honduras and the disaffected Salvadorans Barahona and Alfaro.	1319

SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Knox to Mr. Hitt (telegram).	1912. Jan. 12	Same subject. Instructs him to say to the President of Guatemala that the Minister of Salvador states that Barahona and Alfaro are fomenting a revolution on Guatemalan soil against Salvador.	1321
	Mr. Knox to Mr. White (telegram).	...do.....	Same subject. Instructions similar to the foregoing.	1322
206	Mr. Hitt to Mr. Knox.......	Jan. 16	Same subject. Refers to Department's telegram of Jan. 11, and Mr. Heimke's Jan. 10; reports an interview with the Minister for Foreign Affairs in pursuance thereof. It seems probable that the complaints of Salvador have caused a withdrawal of troops in excess of normal numbers from the frontier.	1322
	Mr. Knox to Mr. Hitt (telegram).	...do.....	Same subject. The Department learns that Guatemalan troops are leaving the frontier in large numbers and that Salvador believes it unnecessary to inspect the frontier as suggested by the President of Guatemala.	1324
75	Mr. White to Mr. Knox.....	Jan. 17	Same subject. Acknowledges Department's Jan. 12, and incloses note to the Honduran Minister for Foreign Affairs in pursuance thereof and reply thereto.	1324
	Same to same (telegram)....	Jan. 18	Same subject. Transmits telegram from the Honduran Chargé d' Affaires in Salvador to the Honduran Government concerning information regarding alleged movement led by Jacinto Velásquez with the object of invading Honduras from Salvador.	1325
	Mr. Heimke to Mr. Knox...	Jan. 19	Same subject. Refers to Department's telegram of Jan. 16 and incloses copies of telegrams showing retirement of Guatemalan troops from the frontier. The President of Salvador says that conditions are now quiet and no further trouble is apprehended for the present.	1326
208	Mr. Hitt to Mr. Knox.......	Jan. 23	Same subject. Refers to Department's telegram of Jan. 16. He has decided not to cause an investigation of the frontier.	1327
213	Same to same...............	Jan. 27	Same subject. Military information; no further disturbances.	1327
	Mr. Calvo to Mr. Wilson....	Feb. 14	Visit of the Secretary of State. Acknowledges the Department's letter of Feb. 13, and expresses the pleasure of Salvador in the prospect of the Secretary's visit.	1328
	Mr. Wilson to Mr. Heimke..	Mar. 4	Same subject. The Secretary and party will arrive at Acajutla Mar. 10, remain at San Salvador the 11th and 12th, and leave for Guatemala Mar. 13.	1329
	Mr. Araujo to Mr. Knox.....	Mar. 11	Same subject. Speech of welcome by the President of Salvador.	1329
	Mr. Knox to Mr. Araujo.....	...do.....	Same subject. Reply to the foregoing..............	1329
	Mr. Castro Ramirez to Mr. Knox.	...do.....	Same subject. Speech in honor of the Secretary.....	1330
	Mr. Knox to Mr. Castro Ramirez.	...do.....	Same subject. Reply to the foregoing..............	1331
221	Mr. Heimke to Mr. Knox...	Mar. 16	Same subject. Gives an account of the events of the Secretary's visit to Salvador.	1333
	President Araujo to Mr. Knox (telegram).	Apr. 22	Same subject. Congratulations on the Secretary's visit.	1335
	Mr. Knox to President Araujo.	Apr. 23	Same subject. Thanks for the foregoing message....	1335
	Mr. Mejia to Mr. Knox......	Apr. 25	Same subject. Informs him of his appointment as Envoy Extraordinary on Special Mission for expressing to the President Salvador's gratitude for the Secretary's visit.	1335
	Mr. Wilson to Mr. Mejia.....	May 8	Same subject. The President will be glad to see Mr. Mejia on May 10.	1336
	Mr. Mejia to President Taft.	May 10	Same subject. Delivers a letter from the President of Salvador to the President, and repeats the expression of Salvador's high appreciation of the Secretary's visit.	1337
	President Taft to Mr. Mejia.	...do.....	Same subject. Reply of the President to the foregoing.	1337
106	Mr. Knox to Mr. Heimke...	June 28	Same subject. Incloses a letter from the President acknowledging that of the President of Salvador.	1338
230	Mr. Heimke to Mr. Knox...	Aug. 24	The coat of arms and the flag of Salvador. Transmits a decree prescribing a new coat of arms for the flag, and a description of the insignia and flag.	1339
	Mr. Knox to Mr. Hinckley..	Dec. 3	Visit of the Secretary of State. Instructs him to thank the President of Salvador for the "Album del Centenario," containing an account of the Secretary's visit.	1338

TURKEY.

No.	From and to whom.	Date.	Subject.	Page.
		1912.		
	Mr. Rockhill to Mr. Knox... (telegram.)	Oct. 8	War with Montenegro, Serbia, Bulgaria, and Greece; protection of American interests; good offices of neutral powers. Montenegro declares war against Turkey, which orders immediate offensive action.	1341
	Same to same (telegram)....	Oct. 10	Same subject. Ambassadors of the European Powers have delivered a joint note to Turkey.	1341
	Same to same (telegram)....	Oct. 14	Same subject. Gives substance of Turkey's reply to the joint note of the Powers.	1341
	Mr. Jackson to Mr. Knox (telegram).	Oct. 18	Same subject. Serbia declares war against Turkey..	1342
	Same to same (telegram)....	...do.....	Same subject. Bulgaria declares war against Turkey.	1342
	Mr. Rockhill to Mr. Knox (telegram).	...do.....	Same subject. Greece declares war against Turkey.	1342
4676	Mr. Caftanzoglu to Mr. Knox	...do.....	Same subject. The great Powers having deemed it necessary to take into hand the accomplishment of the reforms provided in Article 23 of the Treaty of Berlin, the Sublime Porte declared it would enforce important reforms: does not believe foreign interference in the enforcement thereof will be beneficial. Greece believes it may count on the sympathies of friendly nations and urgently appeals to the Government of the United States not to refuse its benevolent neutrality.	1342
	Mr. Jackson to Mr. Knox (telegram).	Oct. 21	Same subject. Bulgaria urgently appeals to the United States not to refuse its benevolent neutrality.	1343
	Mr. Knox to Mr. Jackson (telegram).	Oct. 30	Same subject. The Department is considering Bulgaria's request; meanwhile instructs him to say, if pressed for a reply, that this Government has not thus far found it necessary to make any further or more formal declaration of neutrality, in view of the comprehensive provisions of the Neutrality Act.	1343
	Mr. Rockhill to Mr. Knox (telegram.)	Oct. 31	Same subject. States measures decided upon by the Diplomatic Corps in case of entry of routed Turkish troops into Constantinople.	1344
	Same to same (telegram)....	Nov. 1	Same subject. The Government has taken certain steps for Constantinople's safety in pursuance of representations by Diplomatic Corps.	1344
	Same to same (telegram)....	Nov. 4	Same subject. Permission for passage of war ships to protect foreign life and property has been granted.	1344
	Same to same (telegram)....	do.....	Same subject. Turkey asks for intervention of the Powers.	1344
	Mr. Adee to Mr. Rockhill (telegram).	..do.....	Same subject. The Department assumes that the Minister will find it possible, if occasion arise, to arrange with friendly neutral Powers for adequate protection of American citizens.	1345
	Mr. Rockhill to Mr. Knox (telegram).	Nov. 5	Same subject. Describes steps he has taken for protection of Americans.	1345
	Same to same (telegram)....	...do.....	Same subject. The Minister for Foreign Affairs believes that if mediation be made immediately violence will be prevented, and requests that the United States urge upon the Allied Powers cessation of hostilities in the interest of humanity.	1345
	Mr. Adee to Mr. Rockhill (telegram).	Nov. 6	Same subject. Inquires whether despatch of an American war vessel would strengthen the Minister's hands in protecting American citizens.	1346
	Mr. Rockhill to Mr. Knox (telegram).	Nov. 7	Same subject. He believes it unnecessary to announce intended despatch of an American war vessel.	1346
	Same to same (telegram)....	Nov. 8	Same subject. The Turkish Government disclaims all responsibility for the safety of inhabitants of Constantinople if captured.	1346
	Mr. Wilson to Mr. Meyer....	...do.....	Same subject. Requests the despatch of two vessels immediately to Beirut and Smyrna to protect American citizens.	1346
	Mr. Wilson to Mr. Herrick (telegram).	...do.....	Same subject. Instructs him to inquire whether it will be agreeable to the Government to which he is accredited to issue such instructions to its Embassy at Constantinople and commanders of ships which it may have in Turkish waters as will insure protection to American citizens in Turkey, in regard to which the United States must rely upon the Powers most intimately concerned with the political situation in the Near East. (This instruction sent on same date also to London, Vienna, Rome, Berlin, and St. Petersburg, and quoted to the Ambassador at Constantinople.)	1347
	Mr. Wilson to Mr. Rockhill (telegram).	Nov. 9	Same subject. The Tennessee and the Montana sail Nov. 12 for Smyrna and Beirut.	1347

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Reid to Mr. Knox (telegram).	1912. Nov. 9	Same subject. Acknowledges his Nov. 8; the British Government on Nov. 6 gave instruction to extend protection to Americans.	1348
	Mr. Frazier to Mr. Knox (telegram).	...do.....	Same subject. Acknowledges his Nov. 8; the Austro-Hungarian Government will gladly instruct its Embassy in the sense desired.	1348
	Mr. Guild to Mr. Knox (telegram).	...do.....	Same subject. Acknowledges his Nov. 8; the Russian Government has instructed its officers to protect all foreigners in Turkey, including Americans.	1348
	Mr. O'Brien to Mr. Knox (telegram).	Nov. 10	Same subject. Acknowledges his Nov. 8; the Italian Government very cordially promised immediate instructions in the sense desired.	1348
	Mr. Leishman to Mr. Knox (telegram).	...do.....	Same subject. Acknowledges his Nov. 8; the German Government cheerfully promises instruction as desired.	1349
	Mr. Knox to Mr. Reid (telegram).	Nov. 11	Same subject. Instructs him to thank the British Government for anticipating the request of this Government in regard to protection of Americans. (The same to the American Ambassador to Russia.)	1349
	Mr. Reid to Mr. Knox (telegram).	...do.....	Same subject. Gives further particulars of British arrangements for protection of American citizens, in conjunction with other Powers.	1349
	Mr. Wilson to Mr. Rockhill (telegram).	...do.....	Same subject. Instructs him to telegraph to the revenue cutter Unalga at Port Said any recommendations he may have.	1349
	Mr. Rockhill to Mr. Knox (telegram).	...do.....	Same subject. The Powers have not yet taken steps in regard to mediation. Mr. Rockhill has been asked by the Minister for Foreign Affairs whether, if Europe fail him, the United States would use its good offices to ascertain some basis for direct negotiations with the Allies. Mr. Rockhill desires instructions and says that the forces at Constantinople seem adequate to meet any emergency.	1350
	Mr. Herrick to Mr. Knox (telegram).	...do.....	Same subject. Acknowledges his Nov. 8; the French Government has sent instruction in accordance therewith.	1350
	Mr. Knox to Mr. Herrick (telegram).	Nov. 12	Same subject. Instructs him to thank the French Government for its assurances concerning protection of Americans in Turkey. (Instructs him to repeat this telegram to Vienna, Berlin, and Rome.)	1350
	Mr. Rockhill to Mr. Knox (telegram).	...do.....	Same subject. The Unalga's commander has been informed his services will not be required in Turkish waters.	1351
	Mr. Knox to Mr. Rockhill (telegram).	Nov. 13	Same subject. The Unalga will remain available at Port Said until arrival of a cruiser at Beirut.	1351
	Same to same (telegram)....	...do.....	Same subject. Refers to his Nov. 11 in regard to possible requests for the mediation of the United States and instructs him thereupon.	1351
	Mr. Meyer to Mr. Knox.....	Nov. 16	Same subject. The naval auxiliary Brutus will leave Nov. 20 for Smyrna with supplies.	1351
	Mr. Rockhill to Mr. Knox (telegram).	Nov. 17	Same subject. The Diplomatic Corps will land about 2,000 men to-morrow to protect the Embassies and Legations.	1352
	Same to same (telegram)....	Nov. 20	Same subject. Bulgaria is ready to discuss suspension of hostilities and peace terms.	1352
	Same to same (telegram)....	Nov. 21	Same subject. The Allied Powers, as a further condition for the suspension of hostilities, demand surrender of Janina and Durazzo. The Diplomatic Corps has been asked to return the land forces to the ships but has decided to keep them on shore.	1352
201	Mr. Knox to Mr. Rockhill...	...do.....	Same subject. The Tennessee and Montana will sail as soon as possible.	1352
326	Mr. Rockhill to Mr. Knox...	...do.....	Same subject. About 2,500 men have been debarked with some 26 guns; incloses list.	1353
	Mr. Meyer to Mr. Knox.....	Dec. 4	Same subject. The men were reembarked yesterday.	1353
	Mr. Rockhill to Mr. Knox. (telegram).	...do....	Same subject. An armistice was concluded yesterday.	1353
	Same to same (telegram)....	Dec. 6	Same subject. The peace conference will be held in London.	1353
	Same to same (telegram)....	Dec. 8	Same subject. Turkey's delegates to the Peace Conference will leave for London Dec. 10.	1353
	Same to same (telegram)....	Dec. 31	Same subject. The consul at Saloniki has accounted for the safety of all Americans in his district.	1354

VENEZUELA.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Rojas to Mr. Wilson...	1912. Feb. 14	Visit of the Secretary of State. Acknowledges his letter of Feb. 13, and expresses, by instruction from his Government, its pleasure in the prospective visit of the Secretary.	1355
	Mr. Wilson to Mr. Northcott (telegram).	Mar. 12	Same subject. The Secretary and party will arrive at La Guaira Mar. 22, and depart from Puerto Cabello Mar. 25.	1355
	Mr. Márquez Bustillos to Mr. Knox.	Mar. 23	Same subject. Address of welcome to the Secretary.	1356
	Mr. Knox to Mr. Márquez Bustillos.	...do.....	Same subject. Reply to the foregoing..............	1356
	Mr. Knox to Mr. Matos.....	...do	Same subject. Remarks of the Secretary upon placing a wreath at the foot of the statue of Bolivar.	1356
	Mr. Matos to Mr. Knox.....	Mar. 24	Same subject. Speech of welcome to the Secretary..	1357
	Mr. Knox to Mr. Matos.....	...do.....	Same subject. Reply to the foregoing..............	1357
	Mr. Knox to President Gómez.	Mar. 25	Same subject. Farewell speech of the Secretary at Caracas.	1359
	Mr. González Guinán to Mr. Knox.	...do.....	Same subject. Address of welcome at Valencia......	1359
	Mr. Knox to Mr. González Guinán.	...do.....	Same subject. Reply to the foregoing..............	1360
	Mr. Arcay to Mr. Knox.....	...do.....	Same subject. Address of welcome to the Secretary at Puerto Cabello.	1360
	Mr. Knox to Mr. Arcay.....	...do.....	Same subject. Reply to the foregoing..............	1361
	President Gómez to President Taft (telegram).	...do.....	Same subject. Expresses his pleasure in the Secretary's visit.	
	Mr. Rojas to Mr. Wilson....	Mar. 26	Same subject. Incloses copy of telegraphic instruction to express to the President the Government's pleasure in the visit of the Secretary.	1362
	President Taft to President Gómez (telegram).	Apr. 1	Same subject. Reply to his telegram of Mar. 25.....	1362
39	Mr. Wilson to Mr. Rojas....	Apr. 3	Same subject. Acknowledges his Mar. 26...........	1362
	Mr. Rojas to Mr. Knox......	Apr. 18	Same subject. Expresses his pleasure in the Secretary's visit to his country.	1363
	President Gómez to the Congress.	Apr. 19	Same subject. Extract from annual message, referring to the Secretary's visit.	1363
	Mr. Fonseca to the Chamber of Deputies.	...do.....	Same subject. Extract from speech at the opening of Congress, referring to the Secretary's visit.	1363
	Mr. Knox to Mr. Rojas......	Apr. 25	Same subject. Reply to his note of Apr. 18.........	1364
	Mr. Northcott to Mr. Knox (telegram).	Apr. 27	Same subject. The reference of the President of Venezuela in his message to Congress to the Secretary's visit was most cordially received.	1364

CORRESPONDENCE.

CIRCULARS.

TERRITORIAL INTEGRITY OF AMERICAN STATES.

File No. 710.11/69a.

DEPARTMENT OF STATE,
Washington, May 7, 1912.

To the diplomatic officers of the United States in Latin-America.

GENTLEMEN: Mr. S. Perez Triana, the Colombian Minister in London, has recently addressed to the President a letter accompanied by a long memorandum. He states that he has sent copies of the memorandum to all the Presidents of America. Mr. Triana styles the memorandum in question a statement of "the reasons that militate in favor of a Pan-American union for a certain specific purpose, which is that the era of conquest which President Monroe declared as closed in 1823 to European Powers, should be declared as closed to American nations amongst themselves, that is, in other words, to declare that conquest *per se* is objectionable, irrespective of the conqueror."

The memorandum occupies several pages and it seems unnecessary to send you a copy thereof. The essence of it is that the United States—and incidentally the other American countries—should solemnly declare that conquest is forever proscribed from the continent of America, and should pledge itself not to practice nor to tolerate the conquest of territory.

If in the country to which you are accredited Mr. Triana's plan should be discussed in such a way as to come to your notice you should belittle the idea and simply call attention to the following extract from the speech delivered by the Secretary of State before the National Assembly of Nicaragua at Managua on March 6, 1912:—

> I note, Mr. President, what you have said in regard to the existence of some apprehension here and in other republics of Latin-America as to the true motives and purposes of the United States towards them under the Monroe Doctrine. I beg to assure you, and I am sure that what I say meets the approval of the people and President of the United States, that my Government does not covet an inch of territory south of the Rio Grande. The full measure and extent of our policy is to assist in the maintenance of republican institutions upon this hemisphere and we are anxious that the experiment of a government of the people, for the people and by the people shall not fail in any republic on this continent. We have a well known policy as to causes that might threaten the existence of an American republic from beyond the sea. We are equally desirous that there shall be no failure to maintain a republican form of government from forces of disintegration originating from within; and so far as we may be able we will always be found willing to lend such proper as-

sistance as may be within our power to preserve the stability of our sister American republics.

You are no doubt familiar with the substance of the Secretary's speech at Panama which is so illustrative of the friendly and straightforward policy of this Government toward the other countries of this hemisphere, and which might be referred to with excellent effect in relation to the above.

I am [etc.]

HUNTINGTON WILSON,
Acting Secretary of State.

INTERCHANGE OF PROFESSORS AND STUDENTS AMONG THE UNIVERSITIES OF AMERICAN STATES.

File No. 810.42711/48.

The Secretary of State to the American Chargé d'Affaires at Buenos Aires.[1]

DEPARTMENT OF STATE,
Washington, January 3, 1912.

SIR: Among the resolutions adopted by the Fourth International Conference of American States, held at Buenos Aires from July 12 to August 30, 1910, is one dated August 18, 1910, recommending an interchange of professors and students between the universities of the American republics.[2]

The trustees of the Carnegie Endowment for International Peace held a meeting in this city on December 14, 1911, for the purpose of establishing an exchange of representative scholars or scientists between Latin-American countries and the United States. It is proposed by the trustees to bring two scholars or scientists from two prominent Latin-American universities to the United States in each academic year, and to send in return two representative American scholars or scientists to Latin-America. For the year 1912–13 the sum of $20,000 has been appropriated by the trustees to provide an honorarium of $5,000 for each of the four scholars or scientists who may be selected and appointed.

Inclosed herewith is an extract from a recent report made to the executive committee of the trustees by Dr. Nicholas Murray Butler, Acting Director of Intercourse and Education, Carnegie Endowment for International Peace, in which he outlines the plan for the exchange. Dr. Butler informs the Department that that part of the project relating to the exchange of students has been postponed for future consideration by the executive committee of the trustees.

You will communicate the foregoing to the Argentine Government, for its information and for communication by it to the appropriate educational authorities in that country. You will also send to the Department as occasion may give rise, for communication to Dr. Butler, any suggestions and information pertinent to the matter.

I am [etc.]

P. C. KNOX.

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[1] Mutatis mutandis to all Latin-American countries.

[2] See Foreign Relations, 1910, p. 45.

[Inclosure.]

File No. 811.427 25/2.

VIII—EDUCATIONAL EXCHANGE WITH LATIN-AMERICA.

At the meeting of the executive committee, held June 13, 1911, the Division of Intercourse and Education was given authority to arrange "for the exchange of professors and students between the Latin-American countries and the United States in accordance with a plan the details of which are to be prepared and submitted to the executive committee at their next meeting."

The several Pan-American conferences and scientific congresses have made it clear that there is a large opportunity to bring the Latin-American peoples more closely in touch and sympathy with the people of the United States by taking steps to bring the intellectual classes more closely in contact. Our relations with Latin-America have heretofore been almost wholly either those of formal diplomatic intercourse, or those which are the outgrowth of commercial activity. The intellectual classes of the two continents have remained entirely without contact the one with the other. At the fourth Pan-American Conference held at Buenos Aires in 1910 a resolution suggesting and approving the formal interchange of students between the American universities was unanimously adopted.

Acting under the authority given by the executive committee on June 13 last, the Acting Director under date of June 16 submitted the outline of a plan for the exchange of professors and students between the Latin-American universities and those of the United States to the diplomatic representatives at Washington of Argentina, Bolivia, Brazil, Chile, Colombia, Mexico and Peru. The plan then proposed has received the unanimous approval of these high officers of state, and in some cases it has already received the approval of their home Governments as well.

The following is the plan which is proposed as an important step toward promoting the peace of the world and bringing the Latin-American peoples and the people of the United States into better mutual understanding:

1. Arrange at the expense of the Carnegie Endowment to bring two representative Latin-American scholars or scientists to the United States in each academic year, and to send in return two representative American scholars or scientists to Latin-America.

Each representative so sent will be asked to divide his time between two educational institutions of the continent to which he goes, spending approximately one-half of the usual academic year at each. Each representative is to be sent not so much for the purpose of giving instruction in his own particular field of knowledge as for that of interpreting informally, and as occasion may offer, the civilization and the culture of his own people, and to gain more and more accurate knowledge of the civilization and culture of the people among whom he is a visitor.

The specific suggestion in this connetion is that for the year 1912–13 two of these institutions be selected, and each requested through the diplomatic representative of its government at Washington to name a representative scholar to spend the academic year in the United States. It is suggested that one such scholar might divide the academic year between the University of Texas and the University of Chicago and that the second might divide his year between the University of Nebraska and the University of Georgia.

In return it is suggested that the Division of Intercourse and Education shall select two representative American scholars and arrange that they shall spend the year 1912–13 in Latin-America, each American visiting two Latin-American institutions, as already stated.

The sum of $5,000 should be appropriated as a reasonable honorarium to each of the four scholars chosen, in view of the length, character and cost of the journey that they would be required to make.

2. It appears to be even more important that the younger generation in Latin-America and in the United States shall be brought into contact with the civilization of the other continent. For this purpose it is proposed to establish ten Pan-American fellowships of an annual value of $1,200 each.

Five of these will be offered to competition in Latin-America and five in the United States. These Pan-American fellowships are to be awarded after such an examination of the credentials of candidates as is usual at universities of the first rank, by the Division of Intercourse and Education—the Latin-American Fellows being named on the recommendation of their respective Governments—and the holders are to spend the following academic year in pursuing advanced or professional studies at one or more of the higher institutions of learning on the other continent.

It is proposed that only those shall be eligible for these fellowships who have completed their college education in the United States, or who have reached a similar stage of advancement in Latin-American institutions; and that when appointed these Fellows shall be free to study law, medicine, engineering, teaching, agriculture or go forward with higher studies in the arts and sciences at any institution which may be approved for the purpose on the other continent.

The Fellows who would go to South America would probably wish to study chiefly the language, history and economic problems of Latin-America. The Fellows who would come to the United States would probably wish to pursue chiefly professional studies. In both cases the effect would be happy as there would each year be sent back to their own continent a small company of select men who knew something from first-hand contact of the civilization and culture of the other.

INVITATION TO THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION, TO BE HELD AT SAN FRANCISCO, CALIFORNIA, IN 1915.

File No. 811.607 G/41b.

DEPARTMENT OF STATE,
Washington, February 5, 1912.

To the diplomatic officers of the United States.

GENTLEMEN: I herewith transmit a copy of a proclamation issued by the President on February 2, 1912, inviting, on behalf of the Government and people of the United States, the nations of the earth to participate in the Panama-Pacific International Exposition in nineteen hundred and fifteen, at San Francisco, California, to celebrate the completion of the Panama Canal.

It is the desire of the President, speaking for the people of the United States, that all the nations of the earth may take part in the exposition by appointing representatives thereto and by sending such exhibits as will most fitly and fully illustrate their resources, their industries, and their progress in civilization.

In communicating this invitation to the Government to which you are accredited, you will express the pleasure which the President would feel should that Government decide to accept it by appointing commissioners and by further participating in the exposition through such a display of its arts and sciences and natural and commercial resources as is contemplated, and you will add that authority will be invested either in a national commission to be appointed pursuant to an act of Congress, or by a commsision to be appointed by the Secretary of State, as may hereafter be decided, to settle and determine any and all disputes arising between nations, or between or with foreign exhibitors regarding space, location or other matters connected therewith, and to require such provision to be made by the directors of the exposition as the commission shall deem reasonable for the entertainment, care and comfort of the representatives of foreign nations who shall visit the exposition in acceptance of this invitation.

It is not doubted that you will interest yourself in every proper way to promote the enterprise.

At an early date further information relating to the exposition will be communicated to you for transmission to the Foreign Office.

I am [etc.]

P. C. KNOX.

[Inclosure.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, in conformity with the conditions and requirements of the Joint Resolution of Congress approved February 15, 1911, "Authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in nineteen hundred and fifteen, at San Francisco, California," satisfactory proof has been presented to me that a suitable site has been selected for the said Exposition and that the sum of not less than fifteen million dollars will be available to enable the Panama-Pacific International Exposition Company, a corporation organized and existing under and by virtue of the laws of the State of California, for the purpose of inaugurating, carrying forward, and holding an exposition at the City of San Francisco, California, in the year nineteen hundred and fifteen, to celebrate the completion and opening of the Panama Canal;

Now, THEREFORE, I, WILLIAM HOWARD TAFT, President of the United States of America, by virtue of the authority vested in me by said Joint Resolution, do hereby declare and proclaim that such International Exposition will be opened in the year nineteen hundred and fifteen, in the City of San Francisco, in the State of California. And, in the name of the Government and of the people of the United States of America, I do hereby invite all the nations of the earth to take part in the commemoration of an event of great interest and importance to the world by appointing representatives to the Panama-Pacific International Exposition and sending thereto such exhibits as will most fitly and fully illustrate their resources, their industries, and their progress in civilization.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this second day of February, in the year of our Lord nineteen hundred and twelve, and of the Independence of [SEAL.] the United States of America the one hundred and thirty-sixth.

WM H TAFT.

By the President:
P C KNOX
Secretary of State.

DEATH OF VICE PRESIDENT JAMES S. SHERMAN.

File No. 811.44 Sh 5/a.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 31, 1912.

To the diplomatic and consular officers of the United States:

Vice President Sherman died nine forty-two last night, funeral November second, two p. m. President by proclamation to-day orders representatives of the United States in foreign countries to pay appropriate tribute for a period of thirty days.

ADEE.

ARGENTINA.

APPREHENSION OF FUGITIVES FROM JUSTICE OF FOREIGN COUNTRIES.

File No. 211.35R66.

The Argentine Minister to the Secretary of State.

ARGENTINE LEGATION,
Washington, January 29, 1912.

MR. SECRETARY OF STATE: One Oscar Pio Romero, charged before Dr. Juan R. Seru, criminal judge of the Argentine capital, with obtaining large sums of money by false devices, escaped on November 21 last from the police department of Buenos Aires.

My Government has sent to the Legation the description I have the honor to inclose, with a request that the Secretary of State be pleased to forward it to the appropriate authorities, so that if there is no objection the Legation may learn whether the man is on American territory and so inform its Government, for such action as it may deem proper.

Thanking [etc.]

R. J. NAÓN.

The Secretary of State to the Argentine Minister.

No. 21.]

DEPARTMENT OF STATE,
Washington, February 7, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo inclosing a description of one Oscar Pio Romero, who is charged with obtaining large sums of money by false devices and who escaped on November 21 last from the police authorities of Buenos Aires, and requesting to be informed whether the man is on American territory.

In reply I have the honor to advise you that such inquiry as is practicable will be made to ascertain whether the accused is in this country. It should be said, however, that this Department is not, under the system of jurisprudence in the United States, able to afford effective assistance in the matter of apprehending fugitives from justice of foreign countries, and the search for and location in this country of offenders against the laws of other countries is generally accomplished by the agency of private detectives, with such aid as the local police can from time to time give in the ordinary course of their duties.

Accept, [etc.]

P. C. KNOX.

AUSTRIA-HUNGARY.

COPYRIGHT CONVENTION BETWEEN THE UNITED STATES AND HUNGARY.

Signed at Budapest, January 30, 1912.
Ratification advised by the Senate, July 23, 1912.
Ratified by the President, July 31, 1912.
Ratified by Hungary, August 12, 1912.
Ratifications exchanged at Washington, September 16, 1912.
Proclaimed, October 15, 1912.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a copyright convention between the United States of America and the Kingdom of Hungary was concluded and signed by their respective Plenipotentiaries at Budapest, on the thirtieth day of January one thousand nine hundred and twelve, the original of which convention, being in the English and Hungarian languages is word for word as follows:

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary,

Desiring to provide between the United States of America and Hungary for a reciprocal legal protection in regard to copyright of the citizens and subjects of the two countries, have, to this end, decided to conclude a convention, and have appointed as their Plenipotentiaries:

The President of the United States of America: Richard C. Kerens, Ambassador Extraordinary and Plenipotentiary of the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary: Count Paul Esterházy, baron of Galántha, viscount of Franknó, Privy Councillor and Chamberlain, Chief of section in the Ministry of the Imperial and Royal House and of Foreign Affairs, and Dr. Gustavus de Tõry, Secretary of State in the Royal Hungarian Ministry of Justice;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE 1.

Authors who are citizens or subjects of one of the two countries or their assigns shall enjoy in the other country, for their literary, artistic, dramatic, musical and photographic works (whether unpublished or published in one of the two countries) the same rights which the respective laws do now or may hereafter grant to natives.

The above provision includes the copyright control of mechanical musical reproductions.

ARTICLE 2.

The enjoyment and the exercise of the rights secured by the present Convention are subject to the performance of the conditions and formalities prescribed by the laws and regulations of the country where protection is claimed under the present Convention; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work.

ARTICLE 3.

The term of copyright protection granted by the present Convention shall be regulated by the law of the country where protection is claimed.

ARTICLE 4.

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

ARTICLE 5.

The present Convention shall be put in force one month after the exchange of ratifications, and shall remain in force until the termination of a year from the day on which it may have been denounced.

In faith whereof the Plenipotentiaries have signed the present convention in two copies, each in the English and Hungarian languages, and have affixed thereto their seals.

Done at Budapest, the 30th day of January 1912.

[SEAL] RICHARD C KERENS
[SEAL] ESTERHÁZY PÁL
[SEAL] TÖRY GUSZTÁV

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the sixteenth day of September, one thousand nine hundred and twelve;

Now therefore be it known that I, William Howard Taft, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifteenth day of October, in the year of our Lord one thousand nine hundred and twelve, and of the Independence of the United States of America the one hundred and thirty-seventh.

[SEAL.]

WM H TAFT

By the President:
ALVEY A. ADEE
Acting Secretary of State.

BELGIUM.

File No. 355.115 C76/9.

REMOVAL OF DISCRIMINATION AGAINST AMERICAN LUBRICATING OILS.

The Secretary of State to the American Minister.

No. 10.]
DEPARTMENT OF STATE,
Washington, January 24, 1912.

SIR: The Department acknowledges receipt of your despatch No. 12 dated January 5, 1912,[1] on the subject of the discrimination against American crude oils appearing in published specifications of the Belgian State Railway Administration. It is noted that the crude and lubricating oils specified for the use of the Belgian State Railways are required to be of Russian origin in the latest issue of the "Cahier des Charges Spécial No. 688" and that bids under this specification were called for on December 20th last. The discrimination therein against the American product consists in the exclusion of all oils other than those of Russian origin. This matter is properly one for your early consideration, since for more than three years it has been the subject of correspondence between the Department and the Legation and between the latter and the Government of Belgium.

When in January 1910 the Department entered into negotiations with the Government of Belgium to determine whether the minimum tariff of the United States should be granted to products imported from Belgium or originating in that country the Belgian Legation at Washington was informed of the willingness of the President to proclaim in behalf of Belgium the extension of the minimum tariff to imports of Belgian origin into the United States, upon the assumption that the Belgian Government would give its prompt and earnest consideration to the several matters of concern which had been brought to the attention of the Department. One of these matters as set forth in the note of January 29, 1910, to the Belgian Minister at Washington, Count Conrad de Buisseret, was the recognition of American petroleum lubricating products on an equality with those of other countries in the specifications of requirements for railroad supplies. The Department was assured, by note dated February 1, 1910, from the Belgian Minister that he had not failed to transmit the contents of the Department's note of January 29 to his Government, recommending at the same time a prompt and earnest consideration to the matters which had been brought to his Government's attention through the American Legation at Brussels and through himself.

Notwithstanding the pledge of the Belgian Minister that the alleged discrimination against American crude and lubricating oils would have consideration in view of the granting of the minimum tariff of the United States, no such consideration appears to have been given in the preparation of the specifications published in the latter part of 1910 relating to the requirements of the Belgian State Railways. Upon notification of this apparent oversight the American Minister at Brussels again brought the subject to the attention of the Belgian Minister for Foreign Affairs. This could not be done until too late to obtain the recognition to which, as a matter of good faith, under all the circumstances of the case, the Department felt American oil was entitled.

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[1] Not printed.

It is noted that the correspondence enclosed in your dispatch No. 12 of January 5 shows that the Continental Petroleum Company, acting in behalf of the Texas Oil Company, anticipating the annual advertisement of the Belgian State Railways Administration, had especially prepared itself during 1911 to meet all the requirements as to the points relating to the quality of its oils, and had kept the legation informed of the results of analyses and experiments conducted for the purpose of demonstrating that the American product, if fairly considered, would meet all the conditions as well as Russian oil. It also appears that the Continental Petroleum Company received no official advice of the adjudication of crude mineral lubricating oils for the Belgian State Railways then about to be made until December 13, 1911, and that the limit for the receipt of bids was fixed in the advertisement as December 20, 1911. Notwithstanding this short notice the Continental Petroleum Company proceeded to tender its oils under date of December 16, 1911, a copy of which tender was forwarded to the Legation on the same day.

You state that you made an appointment with the Minister for Foreign Affairs, when the subject was discussed at length, but you have omitted giving the date of the interview, which presumably was held previously to December 20, 1911, the date of expiration of the time limit for receiving bids. The Department will be interested to learn the result of the personal visit which the Minister for Foreign Affairs agreed to make to his colleague of the Administration of Railways for the purpose of discussing the matter, as referred to in the final paragraph of your despatch.

The course of the Belgian authorities in their treatment of this case has not demonstrated a willingness to reach a conclusion in accordance with the understanding heretofore referred to. The Department now desires that the subject be pressed, and that a settlement be reached if possible for the admission of the American product to competition on terms of equality. If such recognition in the future is to be denied, the Department desires to be definitely informed.

I am [etc.]

P. C. Knox.

File No. 355.115 C76/10.

The Acting Secretary of State to the American Minister.

Department of State,
No. 12.] *Washington, February 16, 1912.*

Sir: Referring to previous correspondence relative to discrimination practiced by the Belgian Government in the matter of the purchase of lubricating oils for the Belgian State Railways, the Department incloses herewith for your careful consideration copy of a letter from the Texas Oil Company[1] complaining of alleged specific discrimination practiced in the adjudication for "black oil" which took place in December last.

You are instructed to investigate this matter carefully, to ascertain the facts respecting the adjudication in question, and to report the result of your inquiry at the earliest practicable time, in order that any further instructions that the Department may deem it desirable to give you may not be unduly delayed.

I am [etc.]

HUNTINGTON WILSON.

File No. 855.115 C76/11.

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 29.] *Brussels, March 8, 1912.*

SIR: I have the honor to refer to the Department's instructions No. 10 of January 24 last and No. 12 of February 16, and to state that on investigation the "black oil" referred to in the latter dispatch proves to be the same oil as has been the subject of previous correspondence and discussion. With reference to the inquiry contained in the dispatch of the 24th of January, I beg to say that my interview mentioned, with the Minister of Foreign Affairs, took place on January 4, as I did not receive the visit of the officials of the Continental Petroleum Company till after the 20th of December.

On the 26th of February, on the return of the Minister of Foreign Affairs from an absence, I sought an interview again to present to his excellency another note, a copy of which is inclosed, and again personally to press the matter of the discrimination against American oils. I referred to my previous visit and to the subject as it was then discussed, and said that I brought on this occasion new matter to his attention, stating that my Government was very anxious to have a definite reply and repeating the contents of the note which I had brought. Monsieur Davignon said that he had interested himself in the matter; that he recognized the subject as one with an international aspect; but that a difficulty lay with the technical experts, who were prejudiced in their opinions. I told him that the Department was anxious for a definite decision as to the attitude of the King's Government, and his excellency replied that he hoped soon to send me an answer.

To-day I have visited the Baron de Broqueville, the Prime Minister, who is also the Minister of Railways, Posts and Telegraphs, and I asked his particular attention to this subject, with which he seemed to be familiar. I went over a few of the main points but particularly assured him, with more pressure than I have felt able to write into my notes on the subject, of the serious interest which my Government took in the matter and of my desire for an early and definite reply which I might forward for the information of the Department. Baron de Broqueville said that of course the desire of the King's

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[1] Not printed.

Government was to buy the best oil in the best markets and added that he also hoped soon to give a definite answer.

Mr. Grant-Smith also, this morning, called on Baron Capelle at the Ministry for Foreign Affairs, whose attention was drawn to the fact that the simple omission of the word "Russian" would not be satisfactory should the other narrow specifications, and particularly that of specific gravity, remain as at present. Baron Capelle expressed his interest in the matter and assured him that the Belgian Government was earnestly seeking a solution of the question which would be mutually satisfactory.

I have [etc.]

LARZ ANDERSON.

[Inclosure.]

The American Minister to the Minister for Foreign Affairs.

AMERICAN LEGATION,
No. 28.] *Brussels, February 23, 1912.*

MR. MINISTER: I have the honor to refer to previous correspondence during the past five years on the matter of the discrimination which appears in the specifications issued by the Belgian State Railway Administration, in calling for bids for crude lubricating oils. This discrimination consists in the exclusion from competition of all oils other than those of Russian origin.

When in January of 1910 the Department of State of the United States entered into negotiations with the Government of Belgium, to determine whether the minimum tariff of the United States should be granted to products imported from Belgium, or originating in this country, the Belgian Legation in Washington was informed of the willingness of the President to proclaim, on behalf of Belgium, the extension of the minimum tariff to imports of Belgian origin into the United States, upon the assumption that the Belgian Government would give its prompt and earnest consideration to the several matters of concern which had been brought to the attention of the Department of State. One of these matters, as set forth in a note of January 29, 1910, to the Belgian Minister at Washington, Count Conrad de Buisseret, was the recognition of American petroleum lubricating products on an equality with those of other countries in the specifications of requirements for railroad supplies. The Department of State was assured by a note dated February 1, 1910, from the then Belgian Minister, that he had not failed to transmit the contents of the Department's note of January 29 to his Government, at the same time recommending prompt and earnest consideration of the matters which had been brought to his Government's attention, both through the American Legation at Brussels and through himself.

Notwithstanding the assurances of the Belgian Minister that the alleged discrimination against crude and lubricating oils would have consideration in view of the granting of the minimum tariff of the United States, no such consideration appears to have been given in the preparation of the specifications published in the latter part of 1910, relating to the requirements of the Belgian State Railways. Upon notification of this oversight the American Legation at Brussels brought the subject again to your excellency's attention, seeking the consideration to which as a matter of good faith, under all the circumstances of the case, the Department felt American oil was entitled.

The same discriminations continued to appear in the specifications in question during the year 1911. As a special instance it may be added that the Continental Petroleum Company, acting on behalf of the Texas Oil Company, anticipated the annual advertisement of the Belgian State Railway Administration and prepared itself especially to meet the requirements as to points relating to the quality of these oils, and has expressed its belief that, if fairly considered, its oils would meet all the conditions as well as the Russian. It also appears that the Continental Petroleum Company received no official advice of the adjudication of crude lubricating oils from the Belgian State Railway Administration until December 13, 1911, and that the limit for the receipt of bids was fixed in the demands as December 20, 1911. Notwithstanding this short notice the Continental Petroleum Company proceeded to tender its oils under date of December 16.

I beg to refer to the occasion of my personal visit to your excellency on January 4 last when the subject of this matter of the discrimination against American oils was discussed at length. Your excellency was then so good as to say that you would confer personally with your colleague of the Railway Administration in this matter. I have the honor accordingly to ask your excellency to examine this further exposition of the subject, especially with regard to the consideration which was given on the occasion of the application of the minimum tariff to Belgium, as may be found in the correspondence referred to in this note, and I beg to add that my instructions are to express the earnest desire of my Government to obtain for American oils in this instance a just and fair consideration, and I would be gratified if your excellency would be so good as to advise me with regard to any definite conclusions on the subject to which the Government of the King may have come, in order that I may transmit the same to the Department of State for the information of my Government.

I avail [etc.],

LARZ ANDERSON.

File No. 355.115 C76/12.

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 36.] *Brussels, April 1, 1912.*

SIR: I have the honor to refer to my despatch of March 8 last No. 29, and to inclose further correspondence on the subject of the discrimination against American oils which appears in the specifications for lubricating oils on the Belgian State Railways.

In a note from the Foreign Minister, of March 19, it is stated that notwithstanding the previous lack of success of American oils in experiments a new series of tests were undertaken on the basis of offering all guarantees of impartiality. It was deduced from these trials that Russian oils gave better results than American oils, as well as proving cheaper, but that nevertheless the Minister of Railways felt that these experiments for certain reasons might not have been made under entirely normal conditions, and so his excellency has ordered new competitive trials to be undertaken as soon as possible in order to come to a decisive opinion on this subject. In a correspondence with the Continental Petroleum Company which followed, and copies of which are inclosed,[1] it was pointed out that an error in calculation might have suggested this conclusion of the cheaper character of the Russian oils, while really the figures as given in the Foreign Office note showed that the American oils were cheaper, certainly in this instance. Also subsequent study and discussion of the matter brought to light the fact that the mixture of tallow with the oils, as described in the Foreign Office note, would suggest that the test, mentioned as disadvantageous to the American oils, was in the lubrication of engine-cylinders only, as such a mixture is made use of as a rule for engine cylinders only while the more general lubrication of rolling stock requires a mixture of crude oil and rapeseed oil.

Accordingly in a note to the Minister for Foreign Affairs of today's date, of which a copy is inclosed, this possible error in calculation as to the comparative cost of American and Russian oils was pointed out and inquiry was made as to the character of the experiments mentioned as disadvantageous to American oils, for if these experiments were only applied in the lubrication of the engine-cylinders and not to the general use of railway needs, they would be certainly insufficient and unsatisfactory in extent. It was also pointed out that in the great production of oil in America all sorts were to be found, and that the lack of quality in one, or in several, should not be a bar to the trial of others, and that the Department desired only an opportunity for fair tests of American oils, to be used only if found satisfactory, which would result in mutual advantage to the Belgian Government and to American competing concerns. I expressed gratification at the decision of the Baron de Broqueville, Minister of Railways, to give another test and stated I should notify the Department of this decision, in which a hope might be found for a final and favorable conclusion of this long standing question and a settlement to mutual advantage.

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[1] Not printed.

I have [etc.],

LARZ ANDERSON.

[Inclosure 1.—Translation.—Extract.]

The Minister for Foreign Affairs to the American Minister.

MINISTRY FOR FOREIGN AFFAIRS,
Direction B. No. 824.] *Brussels, March 19, 1912.*

MR. MINISTER: I did not fail to advise the Minister of Railways, Posts and Telegraphs of the contents of the communication which the Legation addressed me on October 19 last[1] and of those succeeding, regarding the use of American oils for lubricating the rolling stock of the Belgian State Railways.

Mr. de Broqueville advises me that the Administration of Railways, notwithstanding the lack of success of the previous experiments, undertook a new series of tests on a basis offering all possible guaranties of impartiality. * * * To sum up, it appears that it can be deduced from the trials made that the Russian oil gives better results than American oil, as well as being cheaper, on account of the smaller proportion of tallow used in the mixture. Nevertheless Mr. de Broqueville considers that these experiments were not made under sufficiently normal conditions as regards the quantities of tallow added to the oils tested, which considerable exceeded for both kinds of oil the proportions prescribed by instructions and sanctioned by practice.

Therefore my colleague has ordered that new comparative trials be undertaken as soon as possible, with the precautions mentioned above, in order to permit the forming of a well founded and decisive opinion on this question. * * *

I renew [etc.]

J. DAVIGNON.

[Inclosure 2.—Extract.]

The American Minister to the Minister for Foreign Affairs.

AMERICAN LEGATION,
No. 31.] *Brussels, April 1, 1912.*

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of the 19th of March, in reply to this Legation's note of October 19 and subsequent correspondence, on the subject [etc.].

Your excellency refers to comparative trials that have proved in the past disadvantageous to American oils and is so good as to give certain figures with regard to a late test from which a deduction is made that the Russian oils give not only better results but proved cheaper than the American oils which were used in the experiments in question. While these figures may possibly suggest this conclusion, yet I beg your excellency to be so good as to consider the following calculations which show, on the contrary, that notwithstanding the excess in the percentage of tallow the eventual cost of the American oils would be about ten per cent less than the cost of the Russian oils. * * *

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[1] Not printed.

My Government seeks only a fair and just opportunity for the trial of American oils, now so categorically denied in the specifications, and for their use only if found satisfactory. This would be of advantage certainly to the Belgian Railway Administration as well as to any competing American oil concerns.

I am gratified that the Minister of Railways, because of his conviction that the experiments just terminated departed somewhat from normal conditions of service, will institute a fresh set of tests, and I shall at once inform the Department of State of this intention. I beg further to ask your excellency, and your colleague of the Railways, to be so good as to consider that the removal of the restriction contained in the specifications for so many years past really need not depend at all on the success or failure of American oils, either in any one or in any series of tests, but the right for American oils to be fairly tested, and used only if found of advantage, is desired.

The Department of State considers that the correspondence already referred to in previous notes on the subject, which took place between the Department of State and the Belgian Legation at Washington at the time when the President determined to apply the minimum tariff to Belgium, gave assurances that this matter would be earnestly considered, and will no doubt see, in the delay due to the further tests to be undertaken by direction of Baron de Broqueville, a hope that a final and favorable decision may soon be reached concerning the removal of this discrimination, which so completely prohibits even the trial of American oils, and that this long-standing question may be settled happily and to mutual advantage.

I avail [etc.]

LARZ ANDERSON.

File No. 355.115 C76/16.

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 44.] *Brussels, April 25, 1912.*

SIR: Referring to the correspondence which has taken place during the past five years on the subject of the discrimination against American oils which has appeared in the specifications of the Belgian State Railways, I am happy to advise the Department that at last steps toward a more satisfactory condition have been taken by the Belgian Government. While I have received no direct communication from the Foreign Office as yet, I have the honor to inclose a copy of the Cahier des Charges Special No. 721[1] containing the latest specifications for oils to be used by the service of traction and material of the Belgian State Railways, with appropriate passages marked, which show that the restriction against American oils has been removed.

* * *

I have [etc.]

LARZ ANDERSON.

File No. 355.115 C76/17.

AMERICAN LEGATION,
No. 48.] *Brussels, May 23, 1912.*

SIR: I have the honor to refer to my dispatch No. 44 of April 26 last, and to inclose a translation of a communication which I have received from the Baron de Broqueville, the Minister of Railways, Posts and Telegraphs, regarding the removal of the discrimination against American oils which has appeared in the past in the specifications of the Belgian State Railways. This note refers to the change to be found in the Cahier des Charges which was inclosed in my dispatch referred to above and which had appeared sometime previously.

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[1] Not printed.

In my reply to the Baron de Broqueville I expressed gratification at the removal of the discrimination in this instance, but added that the changes in the specifications had been published so short a time before the adjudication that it had seemed quite impossible for any American firms to compete on that occasion, and I added the hope that the admission of American oils would be continued in the future in order that fair trials might be made with advantage to both countries.

I have [etc.]

LARZ ANDERSON.

[Inclosure.—Translation.]

MINISTRY OF RAILWAYS, POSTS & TELEGRAPHS,
Brussels, May 13, 1912.

Following the interview which I have had the honor to hold with his excellency, I have the satisfaction of advising him that the producers of American oils were permitted to take part in the public competition which took place on the 8th instant for the furnishing of a quantity of 2,400,000 kilograms of mineral lubricating oils.

Accept [etc.]

BROQUEVILLE.

File No. 355.115 C76/18.

AMERICAN LEGATION,
No. 55.] *Brussels, June 28, 1912.*

SIR:—I have the honor to refer to my despatch No. 44 of April 26 last, and to previous correspondence on the subject of discrimination against American oils which appeared in the specifications of the Belgian State Railway Administration, and to say that the Legation, noting that a similar discrimination had at the same time appeared in the Cahier des Charges of the Administration of Marine (which is a Bureau of the Ministry of Railways, Posts and Telegraphs in this country, which has no navy) continued to press the matter of free admission of American oils into Belgian State competitions.

I am happy now to report that the Minister of Foreign Affairs advises me that in the future the specfications relative to the adjudication of oils for the Administration of Marine will not contain conditions excluding American oils.

I have [etc.]

LARZ ANDERSON.

File No. 355.115 C76/19.

AMERICAN LEGATION,
No. 59.] *Brussels, July 26, 1912.*

SIR:—Referring to previous correspondence which has taken place during the past five years on the subject of discriminations against American oils appearing in the specifications of Belgian Government departments, I have the honor to report that the Legation has continued its crusade against this injustice, and in addition to its removal from the specifications in the case of the Ministry of Railways and of the Bureau of Marine I am happy now to add that I have today received a note from the Foreign Office, a translation of which I beg to enclose,[1] stating that the distinction between lubricating oils of American and other origins has been removed in the specifications for industrial oils for use in the service of the Minister of Colonies, which appears to be the last instance in which this discrimination can be found.

I have [etc.]

LARZ ANDERSON.

The Acting Secretary of State to the American Minister.

DEPARTMENT OF STATE,
No. 32.] *Washington, August 15, 1912.*

SIR: The Department has received your despatch No. 59 of July 26, 1912, and appreciates the success with which you have concluded the series of long-standing discriminations against American lubricating oil in Belgium. You are directed to express the thanks of this Government to the Belgian Government for removing these only remaining instances of commercial discrimination against the United States.

I am [etc.]

HUNTINGTON WILSON.

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[1] Not printed.

BRAZIL.

MESSAGE OF THE PRESIDENT, MARSHAL HERMES R. DA FONSECA, TO THE CONGRESS.

File No. 832.032/4.

(*Translation of extracts containing all references to the Government of the United States.*)

A few days ago we expressed to the Governments of the United States of America and Great Britain the profound regret which we felt at the terrible disaster to the *Titanic*, while later we also forwarded the vote of condolence passed by the Chamber of Deputies at its preparatory sittings. * * * On July 26, 1911, the convention with the United States of America, signed at Washington on January 23, 1909, was mutually ratified and [was] promulgated by Decree No. 8890 of August 9, 1911. * * * The conventions for a mutual parcels post service which we concluded * * * with the United States of America on March 26, 1910, * * * were still waiting, as I had the honor to inform you in my last message, the mutual ratification of the signatory powers. So far as we are concerned these international agreements have already been approved. * * * We are now drawing up the necessary regulations for these agreements (which had not yet been done) in order that they may be put into execution without delay. * * * The Ninth International Red Cross Conference is to meet in Washington on the 7th instant, and Brazil has been invited to be represented. The Brazilian Ambassador at Washington has been appointed to represent us at this conference, which will be honored with the presence of the President of the United States.

Rio de Janeiro, May 3, 1912.

HERMES R. DA FONSECA.

AMERICAN INTERNATIONAL LAW. THE REPORT OF THE UNITED STATES DELEGATES TO THE INTERNATIONAL COMMISSION OF JURISTS AT RIO DE JANEIRO.

File No. 710 C2/103.

The United States Delegates to the Secretary of State.

WASHINGTON, *December 31, 1912.*

SIR: The undersigned have the honor to submit the following report of the proceeding of the International Commission of Jurists which met at Rio de Janeiro during the past summer:

By a convention concluded by the Third International American Conference, at Rio de Janeiro, August 23, 1906, the American nations agreed to establish an International Commission of Jurists, consisting of one delegate from each country, to codify international law, public and private. (Exhibit 1.[1])

The commission, for which provision was thus made, was by the terms of the convention to hold its first meeting at Rio de Janeiro "during the year 1907," but this stipulation was afterwards tacitly waived, most of the Governments, including that of the United States, having ratified the convention after the expiration of that year. The governing board of the Pan American Union therefore concluded, at Washington, on January 15, 1912, a supplementary agreement, by which it was stipulated that the commission should meet at Rio de Janeiro on June 26, 1912. It was also provided that each Government might be represented "by two delegates instead of one, but with a single vote." (Exhibit 2.[2])

In conformity with this agreement, the International Commission of Jurists met at Rio de Janeiro on the 26th of June last, assembling in the Monroe Palace, a handsome edifice, named for President Monroe, in which were held the sessions of the Third International American Conference.

By the convention of 1906 it was provided that the presence of representatives of 12 of the signatory States should be necessary for the organization of the commission. At the preliminary session, which was held on the afternoon of the 26th of June, the delegate of Mexico presiding, delegates of 14 States appeared, as follows:

America (United States of): John Bassett Moore, delegate; Frederick Van Dyne, technical delegate.

Argentina: Dr. Norberto Quirno Costa, Dr. Carlos Rodriguez Larreta, jr.

Brazil: Dr. Epitacio Pessôa, Dr. Candido Luiz Maria de Oliveira.

Chile: Dr. Miguel Cruchaga, Dr. Alejandro Alvarez.

Colombia: Dr. José Maria Uricoechea, Dr. Roberto Ancizar.

Costa Rica: Dr. Alejandro Alvarez.

Ecuador: Dr. Alejandro Alvarez, Dr. Matias Alonso Criado.

Guatemala: Dr. Antonio Batres Jáuregui, Dr. José Matos.

Mexico: Dr. Victor Manuel Castillo.

Panama: Gen. Dr. Don Santiago de la Guardia.

Paraguay: Dr. Cecilio Baez.

Peru: Dr. Hernán Velarde. An additional delegate, Dr. Alberto Elmore, subsequently appeared.

Salvador: Dr. Alonso Reyes Guerra.

Uruguay: Dr. Juan Zorrilla de San Martin, Dr. José Pedro Varela.

Other countries were subsequently represented, as follows:

Bolivia: Dr. Victor Sanjinés.

Cuba: Dr. Aniceto Valdivia.

Venezuela: Dr. Pedro Manuel Arcaya.

Seventeen States were thus finally represented in the congress; but a delegate from yet another State, Dr. Américo Lugo, from Santo Domingo, was on his way to Rio de Janeiro when the congress adjourned.

The congress was formally opened on the evening of the 26th of June. Mr. Lauro Müller, Minister of Foreign Relations of Brazil, presided and made an address of welcome (Exhibit 3,[2]) to which a response was made by the delegate of the United States. (Exhibit 4.[1])

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[1] See For. Rel. 1906, vol. 2, p. 1601, for the text of the convention establishing the commission; For. Rel. 1908, p. 2, for its ratification; it was proclaimed May 1, 1912.

[2] Not printed.

Dr. Epitacio Pessôa, first delegate of Brazil, was elected permanent president. A translation of his address on taking the chair is hereto annexed. (Exhibit 5.[1])

The first ordinary session of the commission was held on the 28th of June. At this session a motion was presented by the Chilean and Argentine delegations, with reference to the work which the commission should undertake and the methods by which it should be carried on. (Exhibit 6.[1]) Divested of argumentative matter, the motion raised various questions, namely, whether codification should be effected by means of identical national laws or by means of international conventions; whether it should be at the first moment complete, or should be gradual and progressive; in what form amendments should be made, or defects supplied; whether new rules should continue to be elaborated, so as to keep the code, or the agreed points, in harmony with the progress of nations. For the consideration of these and other preliminary points, including that of the codification of rules which specially or more directly interest the nations of America, the motion proposed that a committee should be appointed, consisting of five members, to collect the views of the various delegations and to submit a report. This motion, which was seconded by Mr. Moore, of the delegation of the United States, having been adopted, the president of the commission appointed the following committee: John Bassett Moore, Norberto Quirno Costa, Alejandro Alvarez, Hernán Velarde, and Candido Luiz Maria de Oliveira, being delegates, respectively, of the United States, Argentina, Chile, Peru, and Brazil. The committee, on motion of the delegate from Argentina, designated the delegate from the United States as chairman.

The committee thus constituted became in reality a committee on permanent regulations, and in this capacity dealt with what proved to be the crucial question before the congress. This was the result of certain circumstances which will be briefly narrated.

The committee, as has been seen, was charged with the duty of collecting the views of the various delegations on the work before the congress. At the preliminary session of the delegates, on the afternoon of the 26th of June, a complete printed draft of regulations, in Portuguese, for the government of the commission and its work, was presented by the Brazilian delegation. (Exhibit 7.[1]) This draft the delegates were not asked to adopt finally; but in order that they might proceed to organize, it was, on motion of Mr. Moore, adopted provisionally, the question of its permanent approval being thus deferred. A subsequent examination of its contents disclosed the fact that its framers apparently intended to propose that the commission should proceed at once to the adoption of codes; and the proposed regulations were in this sense laid before the committee, as embodying the views of the Brazilian delegation, to the end that the committee might report them to the commission for adoption as permanent regulations. This proposal, which, in view not only of the magnitude and difficulties of the task before the commission, but also of the provisions of the convention of 1906, would otherwise have been incomprehensible, was explained by the circumstance that two eminent Brazilian jurists, Dr. Epitacio Pessôa, of the supreme court of the Republic, and Dr. Lafayette Rodriguez Pereira, a former minister of justice, had respectively prepared drafts of codes of public international law and private international law, for the use of the commission.

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[1] Not printed.

The Argentine member of the committee presented a proposal for the division of the commission into five committees, to sit, respectively, at Washington, Rio de Janeiro, Santiago (Chile), Montevideo, and Buenos Aires. The Montevideo committee was to be charged with the codification of private international law, Montevideo having been the seat of the congress of 1888 on that subject. To the other four committees were respectively to be assigned for codification: (1) The laws of war on land and sea; (2) neutrality and civil wars; (3) the laws of peace; (4) the organization of international tribunals. This proposal, like the previous Chilean-Argentine motion, was based upon the understanding that the sole object of the first meeting of the commission was that of organization and distribution of work.

The delegate of the United States, in his speech at the formal opening of the congress, had previously expressed the same understanding, saying:

> The duty of the present congress is comparatively simple, and as it does not embrace the discussion of principles or the conclusion of conventions on controverted topics may no doubt be expeditiously performed. Our meeting upon the present occasion marks only the beginning of the great work that lies before us, a work that will involve hereafter the prolonged and profound study of general principles, of conventional agreements, and of domestic legislation and judicial and administrative decisions, to the end that, by becoming acquainted with our points of disagreement, as well as of agreement, we may be sure of our ground and go forward with a precise knowledge of the actual legal situation in each country concerned.

In conformity with this view the American member of the committee, taking the Brazilian draft regulations as a starting point, presented an amended draft containing the following clause:

> ART. XV. In order to lay the foundation for the performance by the commission of the task committed to it of drafting a code of public international law and a code of private international law, each delegation shall, after the adjournment of the present congress, proceed to make a preliminary report, dealing with the subject of the codification of international law, public and private, fully and in detail from the point of view of the jurisprudence, the constitutional law, the legislation national and local, and the decisions of the authorities administrative and judicial, of its own country. In making such reports the several delegations shall take into consideration the draft codes already prepared by the Brazilian jurists, Messrs. Epitacio Pessôa and Lafayette Rodrigues Pereira, as well as the treaties of Montevideo of 1889, the acts of the international American conferences, the acts of the peace conferences at The Hague, the acts of the conferences at The Hague on private international law, and any other pertinent international conventions, and also any projects and propositions which the present congress may decide to include in such preliminary examination and reports.
>
> The text of the preliminary reports shall be printed in English, Portuguese, Spanish, and French, and 25 copies of the report of each country, in each language, shall be delivered to each delegation.

The amended draft (Art. XVI) went on to provide that, after these preliminary reports should have been exchanged, the commission might, as indicated in the convention of 1906, divide itself into two committees to consider, respectively, the preparation of drafts of codes of public international law and private international law. A further amendment was also elaborated, by which these committees were to be authorized to constitute out of their members subcommittees for the consideration of particular subjects, but this amendment was never formally presented, it appearing that the immediate division of the commission into more than two committees, in accordance with the Argentine proposal, was generally desired.

As the result of this divergence of proposals, the proceedings of the committee became the center of a very active contest, in which there was exhibited on the part of the Brazilians so much earnestness and feeling that the American delegation sought a conference with Dr. Epitacio Pessôa, first Brazilian delegate and president of the Congress, in order to ascertain the precise views and wishes of his delegation. We thus learned that the Brazilian delegation maintained that the convention of 1906 contemplated or at least permitted final action by the commission at its first meeting on codes or parts thereof; that the note (Exhibit 8), with which the Brazilian draft codes were communicated to the other Governments, indicated that those particular codes were to be discussed and acted upon in whole or in part at that meeting; that this indication was at least tacitly accepted and that the omission to act upon it would involve the defeat of the object of the meeting and in effect the abandonment of the task of codification.

Our instructions, which did not refer to the Brazilian note nor inclose a copy of it, were framed upon the understanding that the first meeting of the commission was to be essentially and appropriately preliminary for the attainment of the necessary and important object of organization and distribution of work. This understanding appears to be in strict conformity with the convention of 1906. By that convention (art. 3) it was provided that the "first meeting" of the commission should be held at Rio de Janeiro; that the commission, having met for "the purpose of organizing and distributing the work to the members thereof," might divide itself into committees, and that it should designate the "time and place" of its subsequent sessions. Not only do these stipulations all indicate that the sole design of the first meeting was that of organization and distribution of work, but the requirement that the place as well as time of subsequent sessions should be designated would be devoid of meaning if it had been supposed that the commission would on its first assembling proceed, either as a body or by means of committees, to draft codes in whole or in part. The intention that the commission should deliberate upon its work is further shown by the provision (art. 3) that the "final meeting" should be held at a date sufficiently early to permit "all drafts or all important portions thereof" to be submitted to the several Governments at least a year before the coming together of the ensuing international American conference. The time originally set for the first meeting of the commission made it morally certain that two years would thus be allowed for the preparation of drafts, an interval of less than four years between the international American conferences never having been contemplated. Equally obvious is the meaning of the provision (art. 4) that the work shall be distributed "among the members" of the commission, and that if the commission should divide itself into committees such committees "must proceed separately." It never was contemplated that the commission should as a body remain in continuous session while committees or individual members were engaged in the preparation of drafts of codes. The signatories of the convention evidently understood that the preparation of such drafts was a serious task, involving minute and prolonged study; that the holding together of all the members of the commission in continuous session during the performance of this task would be useless and impracticable; and that any detention of the commission in session, after it was organized and its work distributed, would represent merely loss of time and opportunity and involve to that extent the defeat of the object for which it was created.

An examination of the Brazilian note with which the draft codes were communicated to the other Governments shows that it contains certain clauses which may be construed as conveying the expression of a wish that those Governments might give to their delegates such instructions as would enable them to proceed with the discussion of the projects. The distinctness with which this impression would be received would no doubt largely depend upon the mental attitude of the person to whom the intimation was intended to be made. The department, having in mind not only the terms of the convention of 1906 but also the nature, magnitude, and complexity of the task of codifying international law, public and private, seems not to have supposed that the immediate discussion and adoption of codes was expected in any quarter. In any event, the indication of such an expectation by one of the interested Governments could be regarded only as the expression of a wish, the utterance of which would not relieve the task of codification of its difficulties or dispense with the necessity of proper preparatory investigations in all the countries concerned.

It having become apparent that a majority of the committee were adverse to the attempt to adopt codes at the first meeting of the commission, the Brazilian delegation, seeking to combine and reconcile the opposing views, proposed a regulation to the effect that the commission should divide itself into two committees for the preparation of drafts of codes, taking as a basis the Brazilian projects, and that if these committees should consider it to be impossible to draw up complete projects at the pending meeting, then each one should codify "one or more of the more practical and urgent subjects, such as, for instance, extradition in public law and foreign judgments in private law, and submit these partial works for the approval of the commission."

After much consideration, the committee decided for the sake of harmony to accept this proposal to the extent of providing for the appointment of two special committees, respectively, to report drafts on extradition and the execution of foreign judgments, it being understood that these committees would report without delay. For the rest, it was decided to recommend that the commission should be divided for future work into six committees instead of five, the creation of a second committee on private international law, to sit at Lima, having been agreed upon, on motion of the delegate from Peru.

We have here reviewed all the important proposals formally laid before the committee. Various proposals or suggestions were informally put forward, such as that of the appointment of a committee near each ministry of foreign affairs to collect and furnish data, that of the appointment of agents to obtain information, and that of the submission of the work of the committees to "scientific associations, especially of international law," such "scientific institutes" also to have the power, after prolonged deliberation upon a certain matter, to ask the committee to which it pertained to examine it and order its publication. These proposals or suggestions, being apparently outside the competency of the commission under the convention of 1906, did not reach the stage of a formal vote by the committee.

The report of the committee (Exhibit 9, q. v.), which was signed on the 6th of July, embraced (1) a draft of permanent regulations for the government of the International Commission of Jurists when in session, (2) a plan for the division of the commission into six committees for the preparation of codes, (3) a resolution fixing Rio de Janeiro as the place and June, 1914, as the date of the next meeting of the commission, and (4) a resolution providing for the appointment of two committees of five members each, respectively, to prepare projects of codes on extradition and the execution of foreign judgments for the consideration of the pending Congress. This report was signed by all the members of the committee, including the delegate from Brazil, but the delegate of the United States annexed to his signature a "provisional reservation" as to the recommendation that committees be appointed immediately to report draft codes on extradition and the execution of foreign judgments.

The report of the committee was presented to the congress on the 8th of July, and with the exception of the adverse vote of the delegate of Salvador, who spoke in favor of the immediate consideration of the Brazilian draft codes, was adopted unanimously and without amendment. The delegation of Guatemala made, however, a reservation similar to that of the United States, as to the appointment of committees to report drafts on extradition and the execution of foreign judgments.

The object of the first meeting being, as has been pointed out, the organization of the commission and the distribution of its work, the regulations adopted for the attainment of these ends may now be summarized.

The regulations for the organization of the commission (see under Exhibit 9) provide that the president of the commission, elected at the formal opening, shall retain his position till the next meeting, which, as has been seen, is to take place at Rio de Janeiro in June, 1914. Thus, Dr. Epitacio Pessôa, of the Brazilian delegation, who was elected at the opening session, remains as president. It is not improbable that the commission will continue to observe the rule, which has been followed by the international American conferences, of electing as its presiding officer a delegate of the country in which the meeting is held.

The precedence of the delegations is to be determined by the alphabetical order of the names of their respective countries. Under this rule, as applied by the international American conferences, the first place was assigned to the United States of America (America, United States of), the second to Argentina, and so on. The order, however, in which the delegations are, in the absence of the president, to be represented in the chair is determined by lot. The United States held the third place in the list thus made up at the late congress.

The commission also has a secretary general, who is named by the Government of the country in which the meeting is held. The duties of this officer, who has under his direction the secretaries, assistants, and other employees of the commission, are detailed in the regulations.

In conformity with the convention of 1906, by whose terms the presence of representatives of at least 12 of the signatory States was necessary to the organization of the commission, the regulations provide that the presence of representatives of at least 12 of those signatories shall be necessary to constitute a meeting of the commission, but that the presence of two-thirds of the delegations taking part in the meeting shall constitute a quorum for the transaction of business at a particular session.

A majority of the votes of the delegations present at a session suffices for the approval of a resolution, but for the approval of drafts intended to be incorporated in the codes the concurrence of two-thirds of those delegations is required. While the consideration of the extradition draft, article by article, was in progress, a question was raised as to whether, under this rule, a two-thirds vote was not essential to the approval of a particular article or of an amendment thereto. This question was not passed on by the commission, as it was found, on a second ballot, that the amendment was approved by more than two-thirds of the delegations. The question seems, however, to have arisen out of what may be regarded as the defective procedure followed on that occasion, under which the votes upon the several articles and the amendments thereto were treated as constituting in the aggregate a final approval of the draft as amended, the project in its entirety never having been put to a vote. It is obvious that the sense of an assembly on a project as a whole is not necessarily disclosed by the votes taken on separate articles, even though each article be thus voted upon. The requirement of a two-thirds majority for the approval of drafts designed to be incorporated in the codes was no doubt intended to apply to the final vote, namely, the vote by which the decision of the commission upon the project as an entirety should be given, and not to votes upon particular articles or amendments thereto.

One other clause of the regulations for the government of the commission when in session should here be noticed. The convention of 1906 having provided that reports and motions shall be printed in English, Portuguese, Spanish, and French, and distributed to the delegates for their examination, the regulations provide that they shall not be discussed except in a session subsequent to that in which they shall have been distributed in printed form. In connection with the requirements which also prevail in the international American conferences, it is proper and indeed important to observe that more attention should be paid than is sometimes done to the obtaining of competent translations and interpretations. In the work of the International Commission of Jurists this is a matter not of convenience but of necessity.

REGULATION FOR THE DISTRIBUTION OF WORK.

By the regulation for the distribution of work the International Commission of Jurists is divided into six committees, whose places of meeting, membership, and subject matter are as follows:

I. INTERNATIONAL LAW.

1. Washington: John Bassett Moore (United States), chairman; Frederick Van Dyne (United States), Victor Manuel Castillo (Mexico), Antonio Batres Jáuregui (Guatemala), José Matos (Guatemala), Alonso Reyes Guerra (Salvador), a delegate of Costa Rica (to be appointed in place of Alejandro Alvarez), Gen. Santiago de la Guardia (Panama).

The subjects assigned to this committee for the preparation of drafts of codes are maritime war and the rights and duties of neutrals.

As this committee, if all the Central American States and Haiti and Santo Domingo should send full delegations, would greatly exceed any of the rest in the number of its members, it is empowered to divide itself into two committees as nearly as possible equal in number, indicating at the same time the subjects which each is to study.

2. Rio de Janeiro: Epitacio Pessôa (Brazil), chairman; José Maria Uricoechea (Colombia), Hernán Velarde (Peru), a delegate of Cuba (who, it was understood, would be the Cuban minister at Rio de Janeiro).

This committee is to deal with war on land, civil war, and claims of foreigners growing out of such wars.

3. Santiago (Chile): Norberto Quirno Costa (Argentina), chairman; Alejandro Alvarez (Chile), Victor Sanjinés (Bolivia), Matias Alonso Criado (Ecuador).

Subject matter: International law in time of peace.

4. Buenos Aires: Miguel Cruchaga Torconal (Chile), chairman; Carlos Rodriguez Larreta (Argentina), Roberto Ancizar (Colombia), Juan Zorilla de San Martin (Uruguay). (Mr. Ancizar, it may be explained, resides at Buenos Aires).

Subject matter: The pacific settlement of international disputes, and the organization of international tribunals.

II. PRIVATE INTERNATIONAL LAW.

5. Montevideo: Cecilio Baez (Paraguay), chairman; Eusebio Ayala (Paraguay), José Pedro Varela (Uruguay), Candido Luiz Maria de Oliveira (Brazil).

Subject matter: Capacity, status of aliens, domestic relations, succession.

6. Lima: Alberto Elmore (Peru), chairman; Pedro Manuel Arcaya (Venezuela), a delegate to be appointed by Bolivia, and a delegate to be appointed by Cuba.

Subject matter: Matters of private international law not embraced in the preceding enumeration, including the conflict of penal laws.

The regulation provides that, if any of the delegates above named should resign or become disabled, the committee to which he was assigned shall request his Government to fill his place; and that delegates appointed from countries not represented in the late Congress, as well as any additional delegates appointed from countries that were so represented, shall be assigned by the president of the commission in such manner as he may deem most conducive to the performance of the work.

Each committee is to meet at the time designated by its chairman, acting in accord with his committee.

With a view to the preparation of drafts of codes, it is provided that each committee shall request from each Government a detailed report as to its domestic legislation, its judicial and administrative decisions, its conventions and practices, its international cases and their solutions, and as to the regulation which it deems most suitable on the subject with which the committee is charged. These reports, with the exception of printed documents annexed to or mentioned in them, are to be printed in English, Spanish, Portuguese, and French, and 25 of each report are to be furnished to each Government.

The regulation then provides that the committee, having before them the information thus obtained—

> shall proceed to the preparation of drafts, and in so doing shall take into consideration the draft of a code of public international law and the draft of a code of private international law, prepared by the Brazilian jurists, Dr. Epitacio Pessoa and Dr. Lafayette Rodriguez Pereira, respectively,

And that—

> in the conduct of their work the committees shall give preferential attention, as is recommended by the convention of 1906, to subjects and principles uniformly agreed upon in existing treaties and conventions and as to which there exists uniformity among the laws of the American nations, and particularly to the treaties of Montevideo of 1889, the conventions signed by the international American conferences and the debates thereon, and all other matters the treatment of which may promise judicial progress or tend to the elimination of misunderstandings or conflicts between those nations.

The drafts prepared by each committee are to be printed in English, Portuguese, Spanish, and French, and to be communicated to each Government. The same thing is to be done with regard to points on which the committee may be unable to agree. The drafts and disagreements are to be laid before the commission at its next meeting; and any draft adopted by the commission, by a vote of two-thirds of the delegations present, is to be considered by the next Pan American conference, unless the Governments should immediately embody it in a convention.

Each committee may request one or more of the Governments represented on it to assign experts for the consideration of special topics.

Finally, the regulation provides that the expenses occasioned by the preparation and printing of reports and drafts, as well as all other expenses of the committees, shall be paid in conformity with Article VI of the convention of 1906, which reads as follows:

> ART. VI. Expenses of preparation of the drafts, including those of experts, shall be paid by all the States in the proportion and form established for the support of the International Bureau of the American Republics (now Pan American Union); but each Government shall pay its own members of the commission.

Such is the plan adopted by the International Commission of Jurists for the performance of the task committed to it. It was adopted only after prolonged and conscientious deliberation, and may be regarded as a worthy testimonial to the united desire of the congress to discharge its whole duty, faithfully and effectively. The execution of the task which the plan imposes will require, on the part of the committees into which the commission has been divided, serious and exacting labor, and the manner in which this labor is performed and the results which it affords will disclose the possibilities of codification under the conditions prescribed by the convention of 1906.

In this relation we beg leave to annex hereto a public statement made by Mr. Moore, of the delegation of the United States, on his departure from Rio de Janeiro. (Exhibit 10.) This statement was made in response to questions submitted by a person connected with the secretarial staff of the commission. In these questions there is, as will be observed, a reflection of the expectation which had been entertained in certain quarters, and to which reference has heretofore been made, that the congress would proceed at once to the adoption of codes. In these circumstances the submission of the questions afforded an opportunity which had not before been presented to exhibit the subject in its proper and necessary relations.

As has heretofore been stated, the commission agreed to the appointment of committees to report drafts of codes on extradition and the execution of foreign judgments. These committees were appointed on the 8th of July. The committee on extradition signed its report on the following day. This report is annexed to the minutes of the fourth regular session of the congress, at which it was discussed and amended. The draft as amended is annexed to the minutes of the fifth session.

The report of the committee on the execution of foreign judgments is annexed to the minutes of the sixth session. On motion of the delegate from Mexico, it was decided to refer the report to the committee on private international law at Lima for consideration and further action.

The commission held seven regular sessions, the last of which took place on the 20th of July. It finally adjourned, to meet again in Rio de Janeiro in June, 1914.

We can not express too strongly our appreciation of the generous hospitality with which the delegates to the congress were received and treated. Not only was every effort made to facilitate the work of the commission, but its members were in every way made to feel the warmth and cordiality of their welcome by the Government and people of Brazil. Nor can we close this report without acknowledging our deep sense of obligation to Mr. Morgan, our ambassador, and to Mr. Lay, our consul general, at Rio de Janeiro, for their unfailing aid and many courtesies.

Annexed hereto are English versions of the protocols of the congress. (Exhibits 11–17.)

Respectfully submitted.

John B. Moore.
F. Van Dyne.

Note.—Of the exhibits appended at this point to the above report the first seven, not printed in this volume, are: No. 1, the convention establishing the commission (printed in For. Rel. 1906, p. 1601); No. 2, agreement fixing time of meeting June 26, 1912; No. 3, speech of welcome by the Minister for Foreign Affairs; No. 4, response by Mr. John Bassett Moore; No. 5, speech of the president of the commission; No. 6, motion relating to codification; No. 7, draft of Portuguese proposed regulations for governing the commission.

Exhibit 8.

The Brazilian Ambassador at Washington to the Secretary of State of the United States.[1]

[Translation.]

Embassy of Brazil,
Washington, December 5, 1911.

Mr. Secretary: Referring to this embassy's communication of March 14 last and to the memorandum of the 31st of the same month replying thereto, I have the honor to offer to your excellency two copies of the drafts of codes of public and private international law which the Brazilian Government has ordered to be prepared for presentation to the Governments interested with the object of forwarding the work of the board of jurists that is to meet in the city of Rio de Janeiro under a resolution of the Third International American Conference.

In having the said two drafts of codes written out on the subject my Government proposed to facilitate the task to be undertaken and was actuated exclusively by the desire to put at once into a concrete form the labors the beginning of which we found ourselves much to our regret constrained to defer.

The circumstance that the preparation of these drafts was entrusted to such jurists as Counsellor Lafayette Rodrigues Pereira, former senator and president of the council of ministers of the Empire, representative of Brazil on the arbitration commissions of Chile and at the First International American Conference of Washington, member of the Permanent Court of Arbitration at The Hague and author of a treatise on international law and various other law books; and Dr. Epitacio Pessôa, delegate of Brazil on the board of jurists, former lecturer at the law school of Recife, former justice of the federal supreme court, does not prevent Brazil from regarding those drafts as mere bases that may serve to harmonize as far as possible the political views and expression of judicial culture of the American nations.

By systematizing principles, condensing the latest conquests of law, and defining the main points for study and investigation in the generally accepted doctrine, the drafts properly appreciated shall be of assistance in the practical labors of the board of jurists, which can thereby be attended by the delegates provided with instructions on certain fundamental and concrete points, thereby removing conditions of uncertainty and unexpectedness which may always spring from a lack of definite and formal ideas to discuss.

If, with that object in view, the drafts should be favorably received by the Governments concerned, Brazil will hold its initiative to have been fully rewarded.

My government further honors me with the pleasant duty of availing myself of this opportunity to renew to your excellency's Government the assurance of the pleasure with which Brazil will receive the delegates to the board and to express the firm hope cherished by us that the spirit of coöperation and good will manifested in the American conferences will produce every possible practical result that we Americans must all sincerely desire to achieve.

In order to agree upon additional measures that may prove practicable and serviceable to the meeting of the board, it would be expedient to call an early meeting of the Pan American Union. As your excellency is aware, Brazil proposed that the date of the meeting of the board be set for April 22 next and also proposed that each country be represented thereon by two delegates instead of one, but with one vote only in the deliberation, a measure which would facilitate the labors of the board by making it possible for substitutes to take the place of members unable to attend, besides other considerations to be taken into account.

I avail [etc.]

D. da Gama.

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[1] The same, mutatis mutandis, to the other Governments concerned in the convention.

EXHIBIT 9.

Report of the committee of five members appointed to study the draft regulations and the motion of Chile and Argentina.

On June 28 last the Commission of Jurists appointed a committee composed of the undersigned to study the draft of regulations prepared by the Brazilian delegation, as well as the motion of the Chilean and Argentine delegations, to the effect that the commission begin no codifying work until the several deledations have exchanged notes regarding certain subjects mentioned in said motion or any others which the other delegations may suggest.

I.

For the first time in the life of nations it is a question of realizing an aspiration of humanity, viz, the codification of public international law and of private international law.

Thanks to the solidarity which exists among the nations of the New World, the latter have been able, thus anticipating Europe, to agree to codify the rules which are to govern their mutual relations.

However, in order to carry out a work of this magnitude under the proper conditions, it is necessary that it be done in a way which will combine all the advantages of codification while avoiding its drawbacks.

Two currents of opinion have manifested themselves at the meetings of this committee in regard to the trend which should be given to the first meeting of the commission, one holding that the work of codification, complete or partial, should be proceeded with at once, and the other deeming it necessary, in order to accomplish this purpose, to agree previously on an organization and method of work which should enable an acquaintance to be made with the international life of the nations of America in order that the work might conform to the needs and aspirations of the New World. Moreover, those who held the latter opinion thought that the procedure pointed out by them was that provided by article 4 of the convention of 1906 which created the present commission.

After the agreement has been reached, which will be set forth at the end of this report, we take pleasure in stating that all the undersigned, as well as all the delegates with whom we have exchanged notes in this regard, are agreed that it will be impossible to proceed to a complete codification of international law at the present meeting of the commission.

The committee to which we have the honor of belonging has deemed it its duty to prepare two drafts, that of the permanent regulations of the commission and that on the organization of the several committees into which it has been decided to divide it. For the former, the draft prepared by the Brazilian delegation was taken as a basis and approved with slight modification.

For the latter, the drafts presented by the United States, Argentine, and Chilean delegations were taken into account and an endeavor made to harmonize them.

The idea prevailing in this latter draft is to divide the commission into six committees assigning international law subjects to each. Before undertaking their labor, these committees will have to request each Government, in regard to the subject assigned to them, to furnish information concerning the internal legislation of its respective country, the judicial or administrative resolutions, usages, international cases which have arisen, and modes of settling them, and finally, the mode of settlement which these Governments deem most adequate for the subject in question.

Each committee shall study all this data, as well as all international acts in which the uniform will of the nations of America is shown, especially the treaties of Montevideo of 1889 and the resolutions of the Pan American conferences. It shall give special consideration to the drafts prepared by the distinguished Brazilian jurists, Messrs. Epitacio Pessôa and Lafayette Rodrigues Pereira.

Taking into account all this information, the committees shall, in regard to those subjects on which it is possible to reach an agreement, prepare such drafts as they may deem suitable, making a note of those points on which it has been impossible to come to an agreement.

These drafts, as well as the reports embodying the points of disagreement, shall be printed in Spanish, Portuguese, English, and French for transmission to each government represented on the commission. Being given publicity, this work will be subjected to that criticism which is so necessary for a better study and perfection of work of this kind. Thereupon, they shall be studied at the next meeting of the Commission of Jurists.

The drafts which receive the approval of two-thirds of the delegations in the commission shall be considered at the next international Pan American conference, it being possible also, if the Governments so decide, to adopt them diplomatically.

II.

The motion of the delegations from Chile and Argentina, of which we have made mention at the beginning of this report, demonstrates the complexity of the mission intrusted to the commission. They furthermore deemed that, before undertaking the work of codification, it will be absolutely necessary for all the delegations to proceed to an exchange of ideas in regard to fundamental points, which shall relate chiefly to the underlying idea of codification, to a determination of the subjects thereof and to the method of work.

The commission shall likewise consider the motion presented by the Chilean delegation to the Fourth Pan American Conference, according to which the draft codes are to be divided into two parts, one comprising matters of world-wide interest and the other subjects of concern to America only.

The undersigned Chilean delegate, who sanctioned this proposition, declares that its purpose was not, as was supposed by some, to establish a material division implying an antagonism between the two groups of subjects and leading to the creation of a set of exceptional rules or rules opposed to international law. The grounds stated for this proposition define its real scope, which is to take matters of world-wide interest to The Hague conference in order that they may be discussed there by all the nations of the earth, a procedure which there would be no reason for recommending that it be applied to subjects solely American in character; that is, which concern our continent in a special or more direct manner.

We deem very worthy of consideration the various observations contained in the material presented to this commission by the Chilean and Argentine delegations, as well as that presented by the Chilean delegation to the Fourth Pan American Conference.

In regard to some of these ideas, the undersigned express their opinion in the appended drafts of regulations, and regarding the others we deem it more suitable that each special committee attach to it such importance as in its judgment it may deserve.

III.

While we, the undersigned, agree that the present session of the commission should deal particularly with the organization and method of work, we likewise think that two committees may be appointed at once to propose at the next session of this assembly only two drafts of resolutions, one regarding extradition and the other on the execution of judgments.

In view of the foregoing considerations, we have the honor to propose that the assembly of jurists adopt the following resolutions:

1. To approve the appended draft of regulations for the International Commission of Jurists.
2. To appoint two committees of five members each for the preparation during this session of a draft on extradition and another on the execution of foreign judgments.
3. To approve the appended draft on the organization of six special committees intrusted with preparing a codification of public international law and private international law.
4. To designate the month of June, 1914, for the second meeting of the Commission of Jurists at Rio de Janeiro.

Rio de Janeiro, Monroe Palace, July 6, 1912.

JOHN BASSETT MOORE.
N. QUIRNO COSTA.
CANDIDO DE OLIVEIRA.
ALEJANDRO ALVAREZ.
HERNÁN VELARDE.

NOTE.—The United States delegation signs the report of the committee under a provisional reservation in regard to the recommendation that committees be appointed to prepare and present drafts of codes on extradition and the execution of foreign judgments for adoption by the commission at its present session.

JOHN BASSETT MOORE.

DRAFT OF REGULATIONS FOR THE INTERNATIONAL COMMISSION OF JURISTS.

ARTICLE 1. The president of the commission, elected by a majority of the delegations present at the inaugural meeting, will discharge this office until the next session.

The commission shall have a secretary general appointed by the government of the country in which the commission holds its meetings.

The order of precedence of the delegations shall be determined by the alphabetical order of the respective nations. At the first session the delegation whose members are to take the place of the president in case of absence shall be designated by lot.

Each delegation shall designate the delegate who is to preside over the session in this case.

ART. 2. It shall be the duty of the president—

1. To preside over the sessions of the commission and place under discussion the subjects comprised in the order of the day.
2. To recognize the delegates in the order in which they ask the floor.
3. To decide all questions of detail raised during the discussions. If any delegation should so request, this decision shall be submitted to deliberation.
4. To submit the matters under discussion to a vote and announce the result of the ballot.
5. To designate through the secretary general, and at the end of each session, the matters which are to be dealt with at the following session.
6. To have the secretary, after the approval of the minutes, give an account to the commission of the matters and projects presented subsequently to the previous session.
7. To adopt all necessary measures for the maintenance of discipline and the enforcement of the regulations.

ART. 3. It shall be the duty of the secretary general—

1. To have under his direction the secretaries, assistants, and other employees necessary for the service of the commission, and to distribute their work among them.
2. To carry on the official correspondence of the commission in conformity with the resolutions of the latter or of the president.
3. To prepare the minutes of the sessions and see to their printing and distribution among the delegates.
4. To prepare the order of the day in accordance with the instructions of the president.
5. To examine the translations made by the secretaries or interpreters.
6. To distribute among the special committees at the meetings of the commission, the matters which belong to them, and to place at their disposal all supplies necessary for the performance of their tasks.

ART. 4. Each delegation shall have a single vote. The ballots shall be taken orally, unless some delegation shall ask that they be in writing. In such case, each delegation shall deposit a ballot with the name of the nation it represents and the way it votes. The secretary shall read the ballots aloud and count the votes.

ART. 5. The presence of the representatives of at least 12 of the countries which signed the convention of 1906 shall be necessary to constitute a quorum of the commission.

No meeting of the commission shall be held without two-thirds of the delegations represented being present thereat.

ART. 6. In order that a resolution may be considered as being approved, it must receive a majority of the votes of the delegations present at the meeting in which the vote is taken. A delegation which has sent its vote in writing to the secretary general shall be considered to be present.

For the approval of drafts intended to form part of the codes, two-thirds of the votes of the delegations present shall be necessary.

ART. 7. When, owing to absence or abstention from voting, the majorities required by the preceding article are not obtained, the vote shall be repeated at the following session; and if the abstentions continue at this session, the vote shall be taken by the majority or two-thirds of the delegations which do not refrain from voting.

ART. 8. The delegates may speak or express their ideas in writing in their own language. The delegate or one of the interpreters or secretaries of the commission shall make a summary of the speech or written work in such language or languages as any delegate may request.

ART. 9. No delegate shall speak more than once or longer than 30 minutes on the same subject. However, the author of any draft or proposition may speak a second time for 15 minutes.

Any delegate may take the floor for five minutes only on a question of personal privilege, or to give the grounds for his vote.

ART. 10. The deliberations of the assembly shall not be public. The only persons admitted to the meeting room shall be the delegates, secretaries, assistants, and employees of the commssion. The commission may, nevertheless, permit such persons as it may deem suitable to attend the sessions.

The secretary general shall furnish the press a summary of each session, unless a resolution be taken to the contrary.

ART. 11. The reports and motions presented to the commission shall be printed in Spanish, English, Portuguese, and French, and distributed to the delegates for their study, and they shall not be subjected to discussion until a session subsequent to that in which they were distributed.

ART. 12. In cases not provided for by the present regulations, whatever may be decided upon by the majority of the commission shall prevail.

JOHN BASSETT MOORE.
CANDIDO DE OLIVEIRA.
ALEJANDRO ALVAREZ.
HERNÁN VELARDE.
N. QUIRNO COSTA.

DRAFT FOR THE ORGANIZATION AND METHOD OF WORK OF THE COMMITTEES INTO WHICH THE INTERNATIONAL COMMISSION OF JURISTS IS DIVIDED.

ARTICLE I. The International Commission of Jurists intrusted with the preparation of a draft code of public international law and another of private international law to govern the relations among the nations of America, shall be divided into six committees.

ART. II. The committee shall be organized as follows:

1. The first committee shall meet in Washington and be composed of delegates John Bassett Moore, chairman (United States); Frederick Van Dyne (United States); Victor Manuel Castillo (Mexico); Antonio Batres Jáuregui (Guatemala); José Matos (Guatemala); Alonso Reyes Guerra (Salvador), a delegate from Costa Rica, and Gen. Dr. Santiago de la Guardia (Panama).

This committee, meeting at Washington, shall have power to divide itself into two, as far as possible equal in number, indicating the delegates who are to compose them and the subjects which they are to study.

2. The second committee shall meet in Rio de Janeiro and be composed of delegates Epitacio Pessôa, chairman (Brazil); José Maria Uricoechea (Colombia); Hernán Velarde (Peru), and a delegate from Cuba.

3. The third committee shall meet at Santiago de Chile and be composed of delegates Norberto Quirno Costa, chairman (Argentina); Alejandro Alvarez (Chile); Victor Sanjinés (Bolivia); Matias Alonso Criado (Ecuador).

4. The fourth committee shall meet at Buenos Aires and be composed of delegates Miguel Cruchaga Tocornal, chairman (Chile); Carlos Rodriguez Larreta (Argentina); Roberto Ancisar (Colombia); Juan Zorilla de San Martín (Uruguay).

5. The fifth committee shall meet at Buenos Aires and be composed of Delegates Cecilio Baez, chairman (Paraguay); Eusebio Ayala (Paraguay), José Pedro Varela (Uruguay), Candido Luiz Maria de Oliveira (Brazil).

6. The sixth committee shall meet at Lima and be composed of Delegates Alberto Elmore, chairman (Peru); Pedro Manuel Arcaya (Venezuela), a delegate of Bolivia, and a delegate from Cuba.

ART. III. If one of the delegates appointed shall resign or be unable to discharge his duties, the special committee to which he belongs shall request the Government concerned to fill his place.

ART. IV. Delegates appointed by countries not represented in the present commission, as well as delegates designated by countries which have now designated only one delegate, shall be assigned by the president of the commission to the various committees, with the consent of the governments of the countries concerned.

ART. V. It shall be the duty of the first of these committees to prepare drafts relating to maritime war and the rights and duties of neutrals; of the second, drafts relating to land warfare, civil war, and the claims of foreigners arising from such wars; of the third, drafts relating to subjects comprised in what is called a state of peace; of the fourth, drafts relating to the peaceful settlement of controversies and the organization of international tribunals; of the fifth, drafts relating to the following subjects of private international law—capacity, status of foreigners, family rights, successions; of the sixth, drafts relating to subjects of private international law not comprised in the foregoing enumeration, including matters relating to the conflict of penal laws.

Art. VI. The committees established by the foregoing articles shall be intrusted with the preparation, within the limits of the subjects assigned them, of draft codes of public international law and private international law in accordance with the following provisions:

Art. VII. In order to prepare these drafts each committee shall ask each Government to furnish, with respect to the matter assigned to the committee, a detailed report concerning its domestic legislation, its judicial or administrative decisions, its conventions, its usages, the international cases which have arisen and the way in which they have been settled, and, finally, the mode of regulation which each Government considers most adequate for the subjects in question.

These reports, with the exception of the printed documents appended to or mentioned in them, shall be printed in Spanish, Portuguese, English, and French. Each Government shall be furnished 25 copies of each report.

Art. VIII. The committees, with the documents mentioned in the foregoing article before them, shall proceed to prepare the draft or drafts. For this purpose they shall also take into consideration the draft code of public international law and the draft code of private international law edited by the Brazilian jurists Messrs. Epitacio Pessôa and Lafayette Rodrigues Pereira, respectively. It shall likewise give preferential attention, as recommended by the convention of 1906, to the principles and points which have formed the subject matter of uniform agreements in treaties and conventions and in regard to which there is conformity among the laws of the nations of America, and especially the treaties of Montevideo of 1889, the conventions signed by the international American conferences, the debates to which they severally gave rise, and other subjects which constitute a substantial juridical advance or which tend toward the elimination of misunderstandings or controversies among those same nations.

Art. IX. The drafts prepared by each committee shall be printed in Spanish, English, Portuguese, and French, and communicated to each Government. The same shall be done in regard to the points on which the committee is unable to reach an agreement. These drafts or points of disagreement shall be dealt with at the next meeting of the commission.

Each committee may ask one or more Governments represented to assign experts for the study of special subjects.

Art. X. Every draft adopted by the commission by a majority of two-thirds the delegations present shall be considered at the next international American conference, or else the Governments may adopt it immediately by convention.

Art. XI. Each committee shall meet on the date designated by its chairman, in accord with the committee itself.

Art. XII. The expenses incident to the preparation and printing of the reports and drafts referred to in the foregoing articles, as well as any other expense connected with the work of the committee, shall be defrayed in accordance with article 6 of the convention of 1906, which established the Commission of Jurists.

Rio de Janeiro, Monroe Palace, July 6, 1912.

John Bassett Moore.
N. Quirno Costa.
Alejandro Alvarez.
Candido de Oliveira.
Hernán Velarde.

Exhibit 10.

Public statement made by Mr. Moore, United States delegate, after the adjournment of the Congress, in reply to certain questions.

"A. Do you think that successive international conferences will give a practical result?"

Answer. The great and beneficient results already accomplished by international conferences justify an unhesitating affirmative answer. There is indeed every reason to believe that even more important results will be obtained by this means in the future than have been secured in the past.

"B. Especially in reference to the codification of international public and private law, do you think the results will be favorable?"

Answer. Undoubtedly. In so answering, however, I interpret the word "codification" in a general and comprehensive sense. During the past hundred years, and especially during the last fifty, great progress has been made in the work of embodying the rules of public international law in international agreements of world-wide operation. This is in reality codification, whether we describe it by that name or not. The process will go on. The codification of private international law is more difficult, because it deals with private rather than with public law, and involves to a great extent the element of procedure, which, according to a well-recognized rule, is governed by local law. This rule is not artificial, but inheres in the nature of the subject. It is important always to bear in mind that the object of law is the attainment of justice; that the different forms which prevail in different countries under their various legal systems have presumptively been worked out for the accomplishment of that end; and that efficiency is more to be desired than a preconceived uniformity of methods.

"C. Do you think it possible and reasonable that such codification should be for the exclusive use and interest of the North and South American countries?"

Answer. I do not, except so far as it may relate to conditions peculiarly local. So far as concerns principles of general application and interest, American countries will work in the spirit of cooperation, in the hope that the results of their labors may find world-wide acceptance through The Hague conferences or otherwise.

"D. Do you think that this work is well begun, or do you think like many people that the actual meeting was a fiasco?"

Answer. I unconditionally take my place with those who think that the work is well begun. Although I am aware that there has been some difference of opinion on this subject, I believe that the difference was due solely to the general and earnest desire felt on all sides to adopt the course that would best assure the accomplishment of the great object which all had at heart. This was the motive of those who wished the congress to proceed at once to the discussion and adoption of codes, just as it was the motive of those who, without regard to the intrinsic merits of the Brazilian projects, believed that such a course was impossible, and would, if entered upon, prove to be fatal.

According to the latter view, it was not enough that preparatory work, no matter how able and admirable it was, had been done in one country, for nothing could become a law without the assent of all the countries concerned, and the possibility of obtaining such an accord could be ascertained only by a thorough and comprehensive study of the jurisprudence, statutes, decisions, and practices of each country, as well as of international decisions and international conventions. This was not the task of a day or of a few months, nor could it be performed offhand by any body of men, no matter how capable and learned they might be. In this relation it is pertinent to recur to the history of the recent Imperial German Civil Code. In the first place, a commission was created for the purpose of preparing a project. This commission was appointed in 1874, and devoted 13 years to its work, presenting its report in 1887. After three years of public discussion, the project was committed to another commission, in 1890. The code received the imperial approval only in 1896, but did not take effect till 1900, 26 years after the appointment of the first commission. And yet the States for which this code was adopted were not only united under a Federal Government with a supreme legislature, but had similar political and legal traditions. I do not intend to intimate that the American nations, although they lack such similarity of traditions, may not progress more rapidly in the codification of international law than the Germans did in the codification of their civil law, but such progress will be possible only after the necessary groundwork has been laid through the labors of the committees into which the International Commission of Jurists has, by the decision of the recent Congress, been divided. This plan I believe to be the best that was attainable under the provisions of the convention of 1906, and we may look forward with confidence to the possibility of achieving valuable results on the reassembling of the commission at Rio de Janeiro in June, 1914, after the delegates have had an opportunity to become better acquainted with their task.

"E. If more could have been done, who should be held responsible for the bad result, and what are the reasons that caused it?"

Answer. The International Commission of Jurists is as a body responsible for the decision at which it arrived, but the votes of the members are a matter of record, and it is hardly possible that any delegate who by argument or by vote contributed to that decision would desire to evade a full measure of individual responsibility for it. The commission, acting intelligently, and with a full comprehension of the question before it, decided by a vote that bordered on unanimity, that the object of its first meeting was, as the convention of 1906 indicated, that of organization and distribution of work. The appointment of committees immediately to report projects on extradition and the execution of foreign judgments was a concession to those who, with equal intelligence and sincerity, maintained the opposite view; but I venture little in saying that the results demonstrate that the attempt to proceed at once to the discussion and adoption of projects of codes was premature. I yield to no one in homage to Brazil and her distinguished jurists for having gone far in advance of what the convention of 1906 required. It was an achievement worthy of a generous and high-minded nation, and the highest tribute that could be paid to it was to take care that it should not be lost by hasty, superficial, and ill-considered action.

Speaking for my own Government, I may say that the draft codes reached it only toward the end of last year, and the agreement to hold the congress was signed only in January, 1912. On the eve of sailing for Brazil I was furnished with copies of the original drafts in Portuguese and with an English translation of them, but I do not hesitate to say that there had scarcely been an opportunity to make a competent translation of the texts into English, for by a translation I mean not the mere matching of word for word, but the conversion of the sense and idiom of the one text into the equivalent sense and idiom of the other. Nor was this all. The phraseology was legal, and the task of finding equivalents, involving as it did the comparison of widely different systems of law, could be performed only by legal experts and under expert legal supervision. The services of men competent for such a task can not usually be secured on a moment's notice. It is to be remembered, too, that the preparation of the different texts is not a mere matter of convenience, for, as is perfectly understood and agreed, each Government will deal with and primarily be bound by the text in its own language.

For the performance of work such as this, as well as for the performance of other preliminaries essential to the adoption of codes, the organization of the commission and the distribution of its work has now for the first time provided, in conformity with the design of the convention of 1906, the appropriate machinery. Only those unfamiliar with the subject can fail to grasp the necessity and the importance of what has been done. The plan adopted was the result of long and conscientious deliberation, and may be regarded as a worthy testimonial to the united desire of the late congress to discharge its whole duty faithfully and effectively. The execution of the task which the plan imposes will require, on the part of the six committees into which the commission has been divided, serious and exacting labor, and the manner in which this labor is performed and the results which it affords will disclose the possibilities of codification under the conditions prescribed by the convention of 1906.

EXHIBIT 15.[1]

Minutes of the fifth regular session.

[Extract.]

On the 16th day of July, 1912, at 1.30 p. m., in the Monroe Palace, the session was opened * * *.

The president states that the order of the day is the final wording of the draft on extradition, which has been distributed among the delegates, and he thereupon gives some explanations in regard to the said wording, which is approved without discussion. * * *

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[1] Exhibits 11 to 14 are the Minutes of preceding sessions, all leading to the business concluded as set forth in Exhibits 15 and 16.

DRAFT ON EXTRADITION.

ARTICLE 1. Extradition between the nations shall be compulsory.

ART. 2. In order that extradition may be granted, it shall be necessary—

(*a*) That the claimant nation have jurisdiction to prosecute and try the act on which the extradition is based.

(*b*) That the persons demanded be guilty, as principal or accomplice, of a violation of a penal law punishable in both nations with a penalty not under two years of imprisonment.

(*c*) That the demanding nation present documents which, in accordance with its laws, warrant the imprisonment of the person in question. (Art. 13.)

(*d*) That the violation or penalty be not barred by limitation according to the laws of both nations.

(*e*) That the fugitive, if he has already been convicted, shall not yet have served his penalty.

ART. 3. If the offense has been committed outside the territory of the demanding nation, the extradition shall not be granted unless the law of the nation of refuge authorizes, under identical conditions, punishment of the same offense when committed outside its territory.

ART. 4. Extradition shall not be permitted—

(*a*) When the person whose extradition is requested is under prosecution or has already been tried or pardoned in the nation of refuge for the same offense.

(*b*) When it is a question of political crimes or others connected therewith (excepting the murder of heads of nations), or of crimes against religion, or of purely military offenses.

(1. It shall be the duty of the requested nation to decide as to the political nature of an offense, taking into account the law which is most favorable to the fugitive.

2. Acts characterized as anarchy by the laws of both nations shall not be considered political crimes.

3. The surrender of naval or land deserters shall be optional, but it shall not be permissible for any nation to enlist the deserters from other nations in its armed forces, army, navy, or police.

ART. 5. The nationality of the fugitive shall never constitute a hindrance to extradition; however, no nation shall be obliged to deliver up its own citizens, unless the citizenship has been acquired since the act giving rise to the demand was committed.

SECTION 1. A nation which refuses to deliver up one of its citizens shall be obliged to prosecute and try him on its own territory, in accordance with its own law, and on the basis of such evidence as may be furnished it for this purpose by the demanding nation.

ART. 6. The surrender of the fugitive shall be delayed as long as he is under penal prosecution for another cause in the nation of which the extradition is requested. but this fact shall not interfere with the progress of the extradition proceedings.

ART. 7. Any civil obligations contracted by a person whose extradition is requested toward the nation of refuge shall not interfere with his surrender.

ART. 8. If the act committed by a person demanded is subject to the death penalty, the nation of refuge may, before granting the extradition, demand that this penalty be commuted to that next below.

ART. 9. When the extradition has been obtained, the demanding nation shall not be allowed to hold the guilty party responsible for any other act than that on which his surrender was based, unless the demanded nation has previously consented to his being tried for other offenses, or unless it is a case of an offense connected therewith and based on the same evidence as that of the request.

ART. 10. The provision of the foregoing article shall not comprise the case in which the extradited party himself freely and expressly consents to being tried for another act, or, after being set at absolute liberty, remains within the territory of the nation for a period exceeding one month, nor the case in which it is a question of offenses committed subsequently to the extradition.

ART. 11. The demanding nation shall not, without the consent of the nation of refuge, deliver up the extradited party to a third nation demanding him except in the cases contemplated in the foregoing article.

ART. 12. If several nations request the extradition of the same person for the same act, the nation in whose territory the offense has been committed shall be given preferential attention; if the extradition is requested for different acts, the nation to be given preference shall be the one in which the gravest offense has been committed, in the opinion of the nation of refuge; or, if the acts are of equal gravity, the first nation to request extradition shall be given the preference. When all the requests are presented on the same day, that of prior date shall prevail; if all are of equal date, the nation requested shall determine the order to be followed. In all the cases contemplated by this article, except the first, the reextradition of the offender may be stipulated so that he may be subsequently delivered up to the other requesting nations.

Art. 13. The extradition shall be requested through the diplomatic officers, and in the absence of the latter, through the consuls, or directly from Government to Government, the request being accompanied—

(*a*) By a copy of authentic transcript of the final sentence, together with proof that the criminal was summoned and represented at the trial or declared legally in default; or, if it is not a case of a convicted party, by a writ instituting criminal proceedings, issued by a judge or competent authority and formally decreeing or ipso facto effecting the subjection of the accused party to trial and substantiated by an authentic copy of the penal law applicable to the offense on which the request is based.

(*b*) By all the data and facts necessary in order to establish the identity of the person whose extradition is demanded.

Section 1. The documents required under (*a*) shall be issued in the form prescribed by the legislation of the demanding nation and shall contain an accurate statement of the acts charged and of the place and data at which it was committed.

Art. 14. In urgent cases the fugitive may, even by virtue of a telegraphic request, be placed under provisional arrest until the demanding nation presents to the requested nation, within the period to be fixed by the latter, and which shall not exceed two months, the formal request duly substantiated.

Section 1. All responsibility arising from the provisional detention shall be borne by the nation requesting the latter.

Art. 15. When the documents accompanying the request are deemed insufficient or irregular, owing to form, the requested Government shall return them in order that the deficiencies may be supplied or the defects corrected, and the party, if under arrest, shall remain under arrest until the period referred to in the foregoing article has expired.

Art. 16. The request for extradition, as regards the formalities connected with it, the decision as to whether it shall be admitted, and the admission and weighing of any defense which may be made against it, shall, as far as is not contrary to the provisions of this code, be subject to the decision of the competent authorities of the nation of refuge, in accordance with the legislation of that nation.

Section 1. The right of the individual demanded to utilize the remedy of habeas corpus or amparo shall be guaranteed in all cases, as shall also the right to demand release on bail, provided the conditions prescribed by the law of the demanding nations are fulfilled.

Art. 17. Together with the person claimed, or even subsequently, there shall be seized and delivered all articles found in his possession or deposited or hidden in the nation of refuge and which may have occurred in the perpetration of the punishable act or which may have been obtained by means of this act, as well as those which may serve as convicting evidence.

1. These articles shall be delivered up, even though because of the death or flight of the fugitive, the extradition does not take place, provided it has already been granted. If it has not yet been granted, the proceedings shall continue for that purpose.

2. Articles seized and which are in the possession of third parties, or in the hands of the offender but belonging to third parties, shall not be surrendered unless the latter are heard and state whatever objections they may have, and the articles shall be restored to them, if they are entitled thereto, without any expense, upon the termination of the proceedings.

Art. 18. The fugitive shall be taken, by agents of the requested nation, to the frontier of the latter, or to the port which is most appropriate for embarkation, and he shall there be delivered to the agents of the requesting nation.

Art. 19. The transit of the extradited party through the territory of a third nation shall be permitted upon the mere extradition of the original copy or an authentic transcript of the document granting the extradition, provided the offense is also punishable according to the laws of such third nation.

1. If the extradited party is a citizen of the third nation, the granting of the passage shall be optional.

2. The transit shall take place under the escort of agents of the third nation.

ART. 20. The expenses of the extradition shall be borne by each nation within the limits of its territory. Those of transportation through intervening nations, or by sea, shall be borne by the requesting nation.

ART. 21. A nation which secures the extradition of a person who has not been convicted shall be obliged to communicate the final sentence to the nation granting extradition, as rendered in the trial for which the extradition was requested.

ART. 22. The extradition of persons accused of acts of anarchy may be requested, provided the legislation of both nations punishes such acts. In this case the extradition shall be granted, even if the penalty prescribed is less than two years' imprisonment.

ART. 23. The person demanded may be restored to liberty and shall not be again arrested for the same cause if, after the extradition has been granted, the proper diplomatic or consular officer fails to send him to his destination within 20 days from the date on which he was placed at his disposal.

ART. 24. Existing treaties shall remain in force so far as they are not contrary to the foregoing principles or afford greater facilities for extradition, especially as regards offenses which warrant extradition and as regards the preference in granting it when it is requested by several nations on the same date.

The nations may likewise conclude new agreements on extradition provided they observe these conditions.

EXHIBIT 16.

Minutes of the sixth regular session.

[Extract.]

On July 17, 1912, at 8 p. m., the session was opened. * * *

* * * The president states that, when the previous session adjourned, he thought of having a copy prepared of the approved draft on extradition, in order to receive the signatures of the delegates present; but in view of the opinion of the majority of the latter (which he heard) to the effect that the labors of the commission should not have assigned to them the character of final treaties, he agreed with the delegates that the chair should merely authenticate the copies which are to be sent to the Governments here represented.

The order of the day is now taken up, consisting of a discussion and vote on the report of the committee charged with preparing a draft on the execution of foreign judgments.

The secretary general reads the report, first giving explanations of the omissions and discrepancies which are noted in the printed copies distributed among the delegates. When the reading is finished, Dr. Candido de Oliveira, of Brazil, sends to the desk the draft he had prepared and of which the committee had meanwhile adopted some ideas.

The report having been placed in discussion, Dr. Victor Castillo, of Mexico, takes the floor and sets forth some lengthy considerations regarding what transpired in the committee regarding the difficulties which it encountered (as mentioned in its written note), and he finished by proposing that the Commission of Jurists, in view thereof, decide to send the report, the drafts annexed thereto, and the respective amendments to that one of the committees charged with the study of private international law which has to do with the execution of foreign judgments.

This proposal being placed in discussion, Drs. Candido de Oliveira, of Brazil, and Alberto Elmore, of Peru, speak against it, as does also Dr. Victor Castillo, of Mexico, in reiteration of his arguments. The president states that as no one else wishes to speak he will declare the discussion closed, and he will call for a vote first on the proposition of the delegate of Mexico.

The proposal is approved, in view whereof the president declares that the Chair will send the whole matter under discussion to the sixth committee, which is to meet at Lima, and which appears to him to be the competent one.

DRAFT ON THE EXECUTION OF JUDGMENTS AND LETTERS ROGATORY.

The special committee encountered serious difficulties in preparing a draft on the execution of foreign judgments which should embrace all the points which this subject should cover. The opinion was then expressed in the committee by one of its members (this being appended separately as a note to this draft) regarding the impossibility of arranging this draft independently of the data which would be necessary in order to obtain the probable consent of the interested nations, these data being properly deemed necessary by the international commission in order that the other committees might undertake their work, but in the case of our committee they were deemed unnecessary in spite of the fact that the question submitted to our study so intimately concerns the sovereignty of the nations.

The said note is also founded on a variety of systems followed by the legislation of the American nations, which systems are difficult to harmonize in spite of the great spirit of conciliation with which those who sign the present draft are imbued.

The most serious difficulty seems to relate to a lack of knowledge of the system to be adopted by the fifth and sixth committees, which are instructed to present a draft code of private international law, so that the work projected by us lacks the unity which is essential to every conscientious work if we were now to decide in favor of some system.

The committee being aware of the force of these arguments, nevertheless thought that it ought to perform its duty, even though in an insufficient manner, according to its own view, provided it obeyed, as far as possible, the instructions which it received from this honorable assembly. Even though it does not succeed in attaining anything but an embodiment, as a principle of international law, of the execution of judgments rendered abroad, nevertheless, in view of the impossibility of accepting a uniform system, we believe that the only thing possible at the present time consists in respecting in this point the law of the country of execution.

This circumstance greatly diminishes the sphere of our action; but, on the other hand, we leave the field open for the study of more important questions by the fifth and sixth committees, which, with the draft which we now present, will encounter no obstacle in adopting the system which they may deem most suitable to propose to the Commission of Jurists.

We must state, as an homage to the illustrious author of the draft presented by the Brazilian Government, his excellency Mr. Lafayette Rodrigues Pereira, that the special committee accepted in general the articles of his draft with the modifications suggested by the difficulties set forth.

The committee, moreover, deemed it necessary in order to sanction a universal practice among nations and in order to better elucidate the ideas of some of the articles of the draft, to add one relating to letters rogatory in connection with court proceedings during trial, likewise taken from the Lafayette draft.

In view of the foregoing, we submit the following to the Commission of Jurists:

ARTICLE 1. A judgment rendered in one nation shall be capable of being executed in another.

ART. 2. In order that it may be admitted to execution, it will be necessary for the judgment to first obtain the proper exequatur or approval of the executive or judicial branch, in accordance with the laws in force in the country where the judgment is to be executed.

ART. 3. The granting of the exequatur shall be subject to the following requirements:

(1) The judgment shall be provided with the external formalities showing its authenticity.

(2) It shall have become final in accordance with the legislation of the country in which it has been rendered.

(3) It shall not be contrary to the laws of public order of the nation in which it is admitted to execution.

(4) It shall have been preceded by a summons of the parties.

ART. 4. It shall be necessary to present to the executing judge an authentic translation of the judgment in the language of the country in which the judgment is to be executed.

ART. 5. A foreign judgment which has received an exequatur or approval shall become final.

ART. 6. The foregoing provisions are applicable to arbitral awards whose authenticity and effectiveness are attested by a certificate of the court of the country in which they have been rendered.

ART. 7. The execution proceedings and incidents thereof shall be governed by the laws and practices in force in the nation in which the judgment is to be executed.

ART. 8. Letters rogatory sent by the judge of one district to that of another shall be subject to compulsory execution when they request the performance of certain acts or formalities of importance during the course of legal proceedings, such as the summoning of parties, the taking of testimony, inspections, examinations of books, taking of oaths, etc.

The requested judge shall observe the formalities of the laws of his country.

Rio de Janeiro, Monroe Palace, July 22, 1912.

(Signed) MIGUEL CRUCHAGA.

Article 1 accepted on condition that the judgment to be executed is not opposed to the laws of the country of execution.

(Signed) ROBERTO ANCIZAR.
A. BATRES JÁUREGUI.
VICTOR MANUEL CASTILLO.

The committee charged with preparing at this meeting a draft on the execution of judgments can not, according to my idea, duly fulfill its mission for the following reasons:

The idea which prevailed in the international commission when it divided between several committees the preparation of the drafts of a codification of international law was based on a desire to give greater solidity and constancy to the work undertaken, especially from a practical standpoint, and to this end the said commission approved the directing part of the opinion which imposes on the committee before undertaking their work the duty of requesting of each Government in regard to the subject indicated information on the internal legislation of its respective country, the judicial or administrative resolutions, conventions, international cases which have occurred, and settlements which have been given them, and finally the mode of regulation which these Governments deem most suitable for the matter under consideration. I do not see any reason why, since this rule was considered very appropriate and suitable for the other committees, an exception should be made in the case of our committee in a matter which so intimately concerns the sovereignty of the nations.

The diversity of systems adopted in American legislations; from the necessity of an exequatur, accompanied by the possibility of a contentious suit and the intervention of the public prosecutor, to the simple decision of a judge of first instance, rendered on a petition by a party and without summoning the litigants; from those which admit only of the execution of judgments which have been brought about by a personal action to those which give executory force to any judgment, even if rendered by default, with the exception of those which offend recognized public order; this constitutes another obstacle in the way of the committee's entertaining the fond hope of arriving in a short time at an acceptable conclusion, even though its members be animated, as they are, with the best spirit of conciliation.

Moreover, the international commission appointed two committees (the fifth and sixth) charged with the elaboration of the drafts on private international law, so that we could not, without breaking the unity of the work, without knowing the system to be adopted by these committees, work out beforehand a draft on the execution of judgments which might deviate from the trend given them by those committees. Nor shall it be said that we can accept general or optional principles or exclude from the draft the indispensable examination of the international jurisdiction which is inevitably entailed by the application of the dominant system accepted in each country, for we should thus be performing an exceedingly deficient work on the one hand and an unnecessary work on the other, since there is not an American nation which does not, with more or less restrictions, admit the execution in its territory of judgments or decisions of foreign judges.

From what has been said I am of opinion, subject to the better judgment of my illustrious colleagues, that the International Commission of Jurists should be requested to permit our special committee to present its work after the committees charged with the drafts on private international law have adopted the system which they are to present in the way of a draft for its approval at the next session of the Commission of Jurists.

Candido de Oliveira, with restrictions. The Brazilian delegate thinks there is no difficulty in the immediate arrangement of the draft relating to the execution of foreign judgments which the Commission of Jurists almost unanimously thought ought to be prepared at this same session.

The jurists of the several nations previously had knowledge of the two drafts prepared by the Brazilian Government to serve as a basis for the discussion.

In the draft on private international law there was Chapter VII, which deals with the very subject the examination of which was intrusted to this committee.

Even if it were a case of a new law, which can only be in force after approval by the legislative branch of each nation, it would matter little if rules were established which were contrary to some principles laid down in the local laws.

The very purpose of private international law is to settle conflicts between legislations.

I therefore think that we ought to perform a more complete work than that outlined by the majority of the committee.

Some of the ideas which I expressed during the discussion were, to be sure, accepted and form part of the draft which is to be submitted to the consideration of the illustrious general commission. However, I deem that the following provisions should not be left aside, they having been embodied in the draft which I had the honor to submit to the committee and which the latter revised in the draft which it prepared.

Thus it is suitable that the following be added:

To article 6, No. 1:

The territorial judge or court shall not have the authority to modify, alter, derogate, supersede, or annul the judgment; he shall confine himself solely to declaring the judgment not subject to execution in case it contains a decision which infringes or offends laws of public order.

Let the following also be added:

ART. 9. Independently of the approval and solely on exhibition of the judgment of bankruptcy and of the certificates of appointment, in authentic form, of the legal representatives of the creditors these representatives shall be authorized, as mandatories, to demand, in the nation where the judgment is being executed, proceedings tending to preserve the rights of the creditors, collect debts, compromise, if they have powers of attorney for this purpose, and bring actions without the obligation of furnishing bond or costs. However, the attorney who institutes judicial proceedings shall be liable for these costs.

1. Any acts which involve the execution of judgments, such as the receiving and sale of the property of the bankrupt, shall be performed only after the judgment is rendered executory, by means of the approval or exequatur, the forms of the local law being observed.
2. Notwithstanding the approval or exequatur, the creditors domiciled in the nation where the judgment is executed and who have mortgages on property there situated shall be prohibited from demanding their claims and foreclosing the mortgaged property.
3. Concordats and other means of forestalling a declaration of bankruptcy shall be subject to approval or exequatur, and they shall only be binding on those creditors who have been summoned to take part therein.

EXHIBIT 17.

Final meeting of the commission.

[Extract from the Jornal do Comercio (Rio de Janeiro) July 20, 1912.]

The seventh meeting of the Commission of Jurists was held yesterday. * * *

The floor was taken by Dr. Epitacio Pessôa, who gave a summary of the labors; by Dr. Zorilla de San Martin, delegate from Uruguay, in behalf of all the foreign delegates; and finally by Dr. Lauro Müller, who gave thanks in the name of the Brazilian Government and people.

The speech of Dr. Epitacio Pessôa was in part as follows:

The work of the International Commission of Jurists being terminated for the present, in accordance with the opinion approved on the 5th instant, at its second regular session, I must, before declaring the work to be adjourned until the time assigned for our second meeting (June, 1914), present to you a slight sketch of the work accomplished during this first period.

At the first regular session, held on June 28, the delegations from Argentina and Chile presented a statement proposing that, before any work were undertaken on the codification, a committee of five members be appointed to secure the opinions of the several delegations regarding the underlying idea of the codification, the subjects which it should embrace, the method of work connected therewith, and any other points which might be suggested by the delegations, and to ascertain wherein and to what extent an agreement might be reached.

On July 6th the committee appointed presented, together with its opinion, a draft of internal rules and a draft on organization and method of work, and proposed besides: (1) That there be appointed two committees of five members each, one to prepare during these very sessions a draft on extradition and another on foreign judgments; (2) that the month of June, 1914, be set as the date for the next session of the International Commission of Jurists. This opinion was approved at the session of the 8th instant, * * *. The aforementioned draft on organization and method of work provides for the division of the International Commission of Jurists into six special committees, four for the codification of public international law and two for that of private international law, which committees are to act, during the interval between the two meetings, as follows: The first at Washington, with the privilege of subdividing into two parts; the second at Rio de Janeiro; the third at Santiago de Chile; the foutrh at Buenos Aires; the fifth at Montevideo; and the sixth at Lima. The first four are to have in charge the codification of the following subjects of public law: The first, maritime war and the rights and duties of neutrals; the second, land war, civil war, and claims arising from such wars; the third, a state of peace; and the fourth, pacific settlement of controversies and organization of international courts. Private law was distributed as follows: To the Montevideo committee, capacity, status of foreigners, family rights, and successions; to the Lima committee, everything not comprised within this enumeration, including penal law.

Each special committee is to request of the American Governments, in regard to the subject allotted to it, minute information regarding the internal legislation of the nation, its judicial and administrative precedents, conventions, usages, settlements of international cases, and finally the mode of settlement which these Governments deem most suitable for the subject in question; and when in possession of these data it is to proceed to a codification of the point within its jurisdiction, taking into consideration the draft codes presented by the Brazilian Government, the principles in regard to which an agreement already exists in conventions or laws, the treaties of Montevideo of 1889, the labors of the Pan American conferences, etc. The drafts worked out by the committees, as well as those subjects on which it is impossible to come to an agreement, are to be submitted to the international commission at its next sessions in 1914.

I take pleasure in stating that the third and sixth special committees have already met here and arranged the plan of their labors.

In accordance with the proposition approved at the second session, the committees were appointed which are to take charge of the drafts on extradition and the execution of foreign judgments.

The draft on extradition, presented afterwards, was approved at the session of the 13th, and, in its final form, at the session of the 16th, and it will be sent to the American Governments in accordance with what was decided upon at the convention of August 23, 1906.

As to the draft on the execution of foreign judgments, it was submitted to the international commission at the session of the 17th, and, on motion of the delegation from Mexico and a vote of the majority of the commission, it was deferred to the sixth special committee of Lima for such consideration as it might deserve.

The International Commission of Jurists thus worked from June 26 until July 19, having held six regular sessions. During this period of time it prepared a draft on extradition and arranged the plans for its future labors.

We might have done more if the drafts offered by Brazil as a basis for the labors of the commission had been known to all the delegates after their distribution among the several nations, and if, on the other hand, all the Governments had furnished their representatives with the necessary instructions regarding the principal points of the codification, as had been laid down at the Pan American conference of 1906, so that the commission might immediately, with decision and method, begin the preparation of the two codes, as was the reason and object of its convocation. Nevertheless, the first efforts of the International Commission of Jurists should not be considered sterile along the line of accomplishing the extraordinary labor which the codification of the public and private international law of the two Americas will be. The working out of the draft on extradition—a matter of frequent application and of evidently practical scope—is already an accomplished fact, being the first result obtained in this crusade in which we are engaged, and at the same time it attests the commission's capacity for labor. * * *

NOTE.—The official protocol of the proceedings at the seventh meeting of the Commission of Jurists has not been received, and this extract from the Jornal do Comercio is substituted, so that the present record may be complete.

CHILE.

PERMISSION OF CONGRESS TO A UNITED STATES ARMY OFFICER TO ACCEPT SERVICE UNDER A FOREIGN GOVERNMENT.

File No. 825.20/3.

The Minister of Chile to the Secretary of State.

LEGATION OF CHILE,
No. 2.] *Washington, February 8, 1912.*

SIR: With reference to our pleasant interview of this morning I have the honor to confirm the request I took the liberty of making of your excellency to put me in communication with the proper authorities with whom to carry out my Government's instructions to engage a coast artillery officer of the United States to serve as instructor and inspector of that arm.

Renewing to your excellency my thanks for the kind manner in which you received my request, I indulge the hope that you will be good enough to put me in communication with the proper office.

I renew [etc.]

ED° SUÁREZ MUJICA.

The Acting Secretary of State to the Minister of Chile.

DEPARTMENT OF STATE,
No. 8.] *Washington, February 12, 1912.*

SIR: I have the honor to acknowledge the receipt of your note No. 2 of the 8th instant [etc.]

In reply you are informed that this matter has been brought to the attention of the Secretary of War with the request that he designate an officer for such appointment by your Government. Immediately upon receipt of a reply from the Secretary of War you will be promptly informed thereof.

Accept [etc.]

HUNTINGTON WILSON.

File No. 825.20/21A.

DEPARTMENT OF STATE,
No. 15.] *Washington, May 14, 1912.*

SIR: I have the honor to inform you that the following joint resolution, previously passed by the Senate, was passed on the 6th instant by the House of Representatives and was signed by the President on May 11, 1912:

> *Resolved, etc.*, That Capt. John W. Gulick, Coast Artillery Corps, United States Army, be, and he is hereby, permitted to accept from the Government of the Republic of Chile the position of instructor of the Coast Artillery of the Chilean Army and the emoluments, rights and privileges pertaining thereto.

This information has already been telegraphed to the American Legation at Santiago.

Accept [etc.]

HUNTINGTON WILSON.

File No. 825.20/20.

The Minister of Chile to the Secretary of State.

LEGATION OF CHILE,
No. 70.] *Washington, May 17, 1912.*

SIR: I have the honor to acknowledge receipt of your excellency's note of the 14th instant [etc.] thus responding to the request that I had the honor to make of your excellency in person, confirmed by my note No. 2 of the 8th February last.

I am deeply grateful to your excellency and through you to the executive powers of this country for the favorable action upon my request.

I renew [etc.]

ED° SUÁREZ MUJICA.

CHINA.

REVOLUTION. ABDICATION OF THE MANCHU RULERS. ESTABLISHMENT OF A PROVISIONAL REPUBLICAN GOVERNMENT. CONCERTED ACTION OF THE POWERS. CORRESPONDENCE CONCERNING RECOGNITION OF THE REPUBLIC OF CHINA.

NOTE.—Early in the disturbances the revolutionary military leaders in the Yangtze provinces and in southern China established a cabinet form of government with Nanking as headquarters, and convoked an assembly composed of their representatives. On December 29, 1911, this Nanking assembly unanimously elected Dr. Sun Yat Sen Provisional President of the Republic of China and he was inaugurated on January 1, 1912. On February 12 the Manchu Emperor abdicated, vesting the sovereignty in the people, declaring for a republican form of government, and appointing Yuan Shih Kai to organize such a government. On February 15 Yuan was elected Provisional President by the Nanking assembly, to succeed Dr. Sun, who resigned in his favor. Yuan was inaugurated at Peking March 10, and the Nanking assembly, with the approval of the Peking authorities, adopted a provisional constitution providing for the calling of a representative national assembly to adopt a permanent constitution and elect a president, thereby providing for the normal establishment of constitutional government. The national assembly was to meet at Peking within 10 months after the promulgation of the provisional constitution; meantime the authority of the State was to be exercised by an Advisory Council, the Provisional President, and his Cabinet.

File No. 893.00/530.

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 253.] *Peking, June 5, 1911.*

SIR: At the present time there are not lacking signs of a renewed and somewhat widespread discontent among the Chinese toward their Manchu rulers. This feeling seems to have arisen first from the evidence of the weakness of the Central Government in dealing with Russia and Japan over territorial jurisdiction in Mongolia and Manchuria, and with Great Britain in the Yunnan-Burma border delimitation dispute, and in the opium trade arrangements. The organization of the Provincial and National Assemblies offers the people a new method of voicing their discontent, from which they soon drift into an attitude of antagonism to the Central Government. For several months past rumors have been in circulation all over the Empire to the effect that the foreign powers were planning the partition of China. These rumors have been circulated by the native press and from mouth to mouth in all parts of the country with a persistency which suggests some organized activity with the intention of stirring up the people against foreigners and against their own Government. * * *

I have instructed those of our consuls who have reported to me on this general subject that they should take advantage of every opportunity to impress upon the Chinese officials that there is absolutely no foundation for the wild rumors current that China is to be partitioned among certain of the powers, and that the Chinese populace should not be allowed to proceed with any supposed defensive measures because of such rumors. I moreover instructed them that they might well impress upon all the local authorities with whom they came in contact the urgent necessity, for China's own sake, that the public peace be preserved, and that with this end in view they might find it beneficial to join with their colleagues in the event of its being decided by the local consular body to take concerted action in adopting necessary measures to suppress effectually the circulation of any inflammatory literature and bring to an end this foolish movement, which is only calculated to deceive ignorant people to instigate riots and disturbances, thus endangering the lives and property of all foreigners, Americans included.

The movement to organize a militia among the people (kuo min chun) has for its ostensible motive the lending of assistance to the Central Government against the aggressions of foreign nations, but it is generally understood both by the officials and the people that such a militia, if organized, would be used to intimidate the Central Government and enforce any demands which might be made by the people. The Government is therefore very wisely discouraging the movement. * * *

The strong stand taken by the Central Government in regard to the construction and control of all the main lines of railway in the Provinces, the conclusion of foreign loans contrary to the wishes of the people, and the refusal to convene an extra session of the National Assembly for the discussion of the budget and loans, have exasperated the radical element of the people to an extreme degree.

* * *

The Government is however paying no attention to the opposition of the people, but has issued a series of strong edicts announcing its determination to carry out unswervingly the policy adopted. The probable effect of this unwonted exhibition of firmness on the part of the Government will be that the opposition of the radicals will expend itself in violent speeches. The situation can easily become critical, however, so that it requires careful watching.

I have [etc.] W. J. Calhoun.

File No. 893.00/539.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

American Legation,
Peking, September 3, 1911.

Opposition to railway construction by foreigners is causing serious disorders in Szechwan. The agitation is thus far confined to mass meetings, closing of schools and shops, and refusal to pay taxes. The Szechwan Viceroy has been ordered to put down the disturbances by force. The disorders are spreading to Hunan.

WILLIAMS.

File No. 893.00/541.

PEKING, *September 7, 1911.*

In Szechwan the situation is worse. British Consul General at Chengtu recommends his Legation to advise all British subjects to leave that city, but the Minister is disinclined to do so, believing such action might increase danger. Szechwan troops are suspected of sympathy with malcontents.

WILLIAMS.

File No. 893.00/548.

PEKING, *September 10, 1911.*

The Viceroy at Chengtu has arrested the ringleaders and his yamen has been attacked by a mob. The soldiers fired and killed some twenty rioters; some soldiers were killed also. American ladies and children are reported to have left Chengtu, with the British subjects. Troops are being concentrated on the frontier of Szechwan.

WILLIAMS.

PEKING, *September 14, 1911.*

All British and Americans in Szechwan were directed this morning to leave at once for places of safety. Fighting at Chengtu since the 7th.

WILLIAMS.

PEKING, *September 15, 1911.*

The Cabinet has proposed Yuan Shih Kai for Canton Viceroy and the proposal is having serious consideration.

WILLIAMS.

File No. 893.00/558.

PEKING, *October 11, 1911.*

Mutineers in possession of Wuchang. The Taotai requested the foreign gunboat to patrol river to prevent mutineers crossing, but the consuls agreed to ignore the request. Defense will be made only of the concessions.

WILLIAMS.

File No. 893.00/560.

PEKING, *October 12, 1911.*

The rebellion appears well organized and well directed. The whole of the new army forces at Wuchang, about 15,000 men and comprising three army corps, have joined the revolution. The rebellion is undoubtedly the most serious since the Taiping. Thus far foreign interests have been carefully respected.

WILLIAMS.

File No. 893.00/561.

PEKING, *October 13, 1911.*

Americans reported safely out of Hanyang and Wuchang. The native portion of Hangkow reported in flames. Communications cut.

WILLIAMS.

File No. 893.00/562.

The American Consul General at Shanghai to the Secretary of State.

[Telegram.—Paraphrase.]

SHANGHAI (received *Oct. 13, 1911*).

The Hankow situation is more than a mere outbreak. Admiral Sah says that it is the most serious thus far. Chinese sympathy is with the rebels. Japanese-British admirals are on the scene; Japanese prominent. Political situations are possible

WILDER.

File No. 893.00/564.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

PEKING, *October 14, 1911.*

Yuan Shih Kai gazetted Viceroy of Hupeh and Hunan.

WILLIAMS.

File No. 893.00/570.

PEKING, *October 14, 1911.*

Yesterday a communication to the consuls at Hankow from Commander-in-chief Li of the Hupeh army of the Chunghua (Chinese) People's Government declared that treaties already concluded continue in force; responsibility for the safety of foreign persons and property is assumed; rights hitherto acquired by foreign countries will be protected; indemnities and loans will be paid. But all articles supplied to Imperial Government by foreign nations will be confiscated; treaties hereafter concluded with Imperial Government will not be recognized; foreign powers assisting Imperial Government will be considered enemies. The consuls have made no reply.

The consular corps have requested the diplomatic corps to ask the Foreign Office that Admiral Sah, due at Hankow tonight, be instructed to avoid as far as possible attacking Wuchang from a position which might draw fire upon the foreign settlements of Hankow.

WILLIAMS.

File No. 893.51/595.

PEKING, *October 15, 1911.*

Chou Tzu Chi, of the Foreign Office, told me today that Japan has a squadron under waiting orders ready to sail for China and join Admiral Kawashima at Hankow. The despatch two days before the outbreak of Military Attaché Saito to Hankow instead of to the manoeuvers, and the arrival of the Japanese admiral at Hankow the day after the outbreak, are regarded as suspicious. The Chinese Government has been for months fearful of Japanese designs.

WILLIAMS.

File No. 893.00/566.

The American Chargé d'Affaires at Tokyo to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Tokyo, October 15, 1911.

The Japanese Government expects to be asked by the Chinese Government to put down the rebellion by force in case it becomes more serious. Japan will refuse to take any action whatever unless Japanese interests are seriously menaced. Disorders will be allowed to continue indefinitely unless the powers urge Japan to act. Japanese Government will then be ready to take speedy and efficient action, which Russia will not oppose.

This relates only to China proper. If the rebellion becomes serious in Manchuria, Japan and Russia will send troops at once without consulting the powers. Twenty thousand Japanese soldiers can reach Peking before any other powers could have a man there. Five thousand British troops at Hongkong are unable to leave through fear of Canton.

I have urged upon Acting Minister for Foreign Affairs that Japan take no action without previously consulting the United States Government. He promised to let me know before anything is done, and added that Japan and the United States were the only powers in a position to act promptly.

Japan will, I believe, act independently of other countries; whatever she does will be with a view to making herself indispensable to the future government of China.

SCHUYLER.

File No. 893.00/578.

The Chinese National Association to the Secretary of State.

[Telegram.]

SAN FRANCISCO, CAL., *October 16, 1911.*

The Chinese National Association, representing four-fifths of the Chinese residents of the United States, British Columbia and Mexico, earnestly requests the United States Government to use its best offices to maintain and preserve the neutrality of the powers toward the revolutionary struggle now in progress in China, in order that her integrity may be preserved and a stable government established.

THE CHINESE NATIONAL ASSOCIATION,
By TONG KING CHONG, *Secretary.*

File No. 893.00/594.

The American Chargé d'Affaires at Tokyo to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Tokyo, October 22, 1911.

Foreign Office very anxious that Government of United States recognize Japan is absolutely sincere and aboveboard in her Chinese policy, and in desiring only to protect Japanese subjects.

SCHUYLER.

File No. 893.00/596.

The Chinese Residents of Honolulu to the Secretary of State.

[Telegram.]

HONOLULU (undated; received October 24, 1911).

At mass meeting of 5,000 Chinese residents Honolulu to-night following resolution adopted unanimously by acclamation:

> Whereas it appears by an Associated Press cable message from Tokyo, published in the Pacific Commercial Advertiser of October 23, 1911, that the Chinese Government has asked military aid of Japan in the suppression of the rebellion in China and that it is believed that Japan is awaiting the consent of the powers before consenting to send her armies into China; and
>
> Whereas the rebellion in China is a national movement which aims to establish in the place of a government corrupt, effete and absolute one that will be representative of the nation; will be able and willing to perform the functions of a justly constituted government; will foster the development of the people it governs so that their aspirations to become one of the nations of the world, representing what is best in humanity, may be realized; be it
>
> *Resolved* that we, Chinese residents of the city and county of Honolulu, Territory of Hawaii, United States of America, in mass meeting assembled on this 23d day of October, 1911, protest against any action on the part of outside powers to interfere in the struggle of the people of China to establish a form of government acceptable to them by means of which, in the case of the government of the United States itself, has been made sacred the word "rebellion," and humbly request that the Government of the United States set an example to the other powers by assuming an attitude of strict neutrality in the matter; and be it further
>
> *Resolved* that a copy of the resolutions passed at this meeting and signed by the chairman be forwarded by the secretary to his excellency Philander C. Knox, Secretary of State of the United States of America.
>
> (Signed) YONG KWUNG TAT,
> *Chairman Mass Meeting.*

File No. 893.00/597.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, October 24, 1911.

Liang Tung Yen, Chinese Minister for Foreign Affairs, now in Berlin, hopes the United States will regard the danger to life and property sufficiently grave to warrant us urging joint action by the powers with a view to warding off the danger of selfish independent action on the part of any one of them.

LEISHMAN.

File No. 893.00/724.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 352.]

AMERICAN LEGATION,
Peking, October 26, 1911.

SIR: In continuation of my No. 349 of October 11, 1911,[1] I have the honor to report that * * * taking a general survey of the Empire one cannot but admit that the present Manchu Dynasty is face to face with the gravest crisis in its history. Unless a reconciliation can be effected there is at hand either a division of the Empire or the entire overthrow of the Manchus. If Yuan Shih-Kai takes the leadership and is successful in winning back the disaffected provinces by the introduction of a reformed government, the dynasty may be saved. Otherwise there seems but little hope of recovering control of the south except by the assistance of a foreign power. * * * The Cabinet is without a definite policy except that of endeavoring to persuade Yuan Shih-Kai to save the country. The Court appears to be terror-stricken and princes are preparing for flight. * * * The consuls have carefully refrained from any acknowledgment of the revolutionary authorities, but since the Imperial authorities have fled they do not consider it possible to avoid all intercourse. The doyen of the diplomatic corps in circulating the telegram[2] expressed the opinion that the consuls could not avoid holding intercourse with General Li on matters affecting the security of foreign life and property, and that they should be allowed a discretionary power of deciding on the spot what questions fall within this category.

I have [etc.],

E. T. WILLIAMS.

File No. 893.00/827.

The Secretary of State to the American Chargé d' Affaires at Tokyo.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 27, 1911.

Your October 22. You may convey on an appropriate occasion to the Foreign Office the Department's appreciation of the information therein, and an assurance of the entire confidence of this Government in Japan's policy in China.

KNOX.

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[1] Not printed.

[2] See above: the communication dated Oct. 14, 1911, from the American Chargé d'Affaires.

File No. 893.00/827.

The American Minister to the Secretary of State.

[Extract.]

No. 363.]

AMERICAN LEGATION,
Peking, November 22, 1911.

SIR: * * * On November 11 Mr. Wu Ting-Fang, former Minister to the United States, sent a telegram to the Legation, asking the Legation to transmit to the Regent a message from the revolutionists' Government urging the abdication of the Emperor. The Legation, of course, took no action in the matter. * * *

The thing most to be feared in the attempt to establish republican government in China is that after the Manchus are removed, the common hatred of whom forms the bond of union among the seceding provinces, there will be no sentiment to bind them together. * * * The term which they use to express the conception of the form of government desired is confederation or, more freely, a federation of commonwealths. The thought that is uppermost in their minds in using this phrase undoubtedly is "local autonomy." I had occasion to point out the difficulties in the way of preserving a just balance between local self-government and national supremacy when a delegation from the National Assembly, representing eight different provinces, called upon me on the 20th instant to ask my advice as to the best course to take in the present crisis. Upon inquiry I learned that they had not yet called upon other ministers but intended to do so later; that they had come first to me because of the friendly interest in China's welfare shown by the American people. I am inclined to believe that they were influenced also by the fact that our own Government is such a federation of States as they desire. I replied to them that I could not as American Minister interfere in their domestic politics, but that I was deeply interested in the welfare of China and hoped they would soon be able to restore peace to their country. I pointed out the need of a long period of preparation to fit people for the exercise of self-government and called attention to the differences that sometimes spring up in our own land between the States and the general Government, pointing out the value of our Supreme Court as an agency for the adjustment of these questions. They expressed themselves as pleased with the conference and stated that they were happy to find that their views coincided with my own. I must own, however, that the present National Assembly does not wield much influence, since the Provinces from which its members come, for the most part, refuse any longer to recognize the Peking Government.

I have [etc.]

W. J. CALHOUN.

File No. 893.00/700.

[Telegrams.—Extracts.—Paraphrases.]

AMERICAN LEGATION,
Peking, November 27, 1911.

I report with reserve that the Legation has been requested by the Chinese Government to inform the Department that the Japanese are supplying revolutionists in South Manchuria railway zone with funds for arms and recruits and are giving them free passage on trains. Four Japanese are advisers to revolutionists. Japanese also reported arming Hunghutzus. The Viceroy addressed the Japanese Consul General but obtained no satisfaction.

CALHOUN.

File No. 893.00/702.

PEKING, *November 28, 1911.*

Han Yang practically taken by Imperialists, according to report from Greene, who adds that revolutionists declared they could not hold Wuchang and want three days armistice to obtain the consent of the other provinces to accept Government terms: retention of present dynasty. They desire, if other provinces refuse, to be allowed to withdraw with their arms and save Wuchang from destruction. Greene asks authority to join colleagues in employing good offices to make such representations to Imperial forces. I do not approve such authorization but await your instructions, and have so informed Greene.

CALHOUN.

File No. 893.00/700.

The Secretary of State to the American Minister.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, November 28, 1911, 3 p. m.

Referring to your telegram of November 27, what is the exact source of the information it contains?

KNOX.

File No. 893.00/702.

DEPARTMENT OF STATE,
Washington, November 28, 1911, 4 p. m.

The Department considers it inexpedient to interfere as suggested in your November 28.

KNOX.

File No. 893.00/705.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, November 29, 1911, 1 p. m.

The information requested in your November 28, 3 p. m., came from the Viceroy at Mukden, and the Foreign Office regards it as reliable. The representations were made to me at the same time as to the British, German and Japanese Ministers. The latter denied all knowledge of the matter and promised to telegraph his Government to use its good offices to remove the causes of complaint.

CALHOUN.

File No. 893.00/746.

The American Ambassador to Japan to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Tokyo, December 7, 1911.

I am authorized by the Minister for Foreign Affairs to say that if hostilities continue and become aggravated the Japanese Government may consider intervention to be necessary.

BRYAN.

File No. 893.00/766.

The Naval Attaché at Tokyo to the Secretary of the Navy.

[Telegram transmitted to the Secretary of State Dec. 11, 1911.]

Agreement has been reached between the British and Japanese commanding officers to intervene in China, using Japanese soldiers. Three Japanese divisions ready to move on 24 hours notice. The Austrian Military Attaché is authority for the above.

SHIPLEY.

File No. 893.00/776.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, December 15, 1911.

The British, German and Japanese ministers, the French and Russian chargés, and myself held an informal meeting this evening to discuss the situation, which, we agreed, is daily growing worse, and unless a peace agreement result from the meeting at Shanghai[1] on the 18th, anarchy is near at hand; hence it was thought advisable to exert some moral pressure on both sides to bring them together. The Russian Chargé suggested that an informal and unofficial note be sent by each of us to Tong Shao Yi and Wu Ting Fang (representing the respective sides) and worded as follows:

> Very confidential. The ———— legation at Peking has been instructed by its Government to make the following unofficial representation to the Commissioners entrusted with the duty of negotiating the conditions of the reestablishment of peace in China:
>
> The ——— Government considers that the continuation of the present struggle in China seriously affects not only the country itself but also the material interests and the security of foreigners. While maintaining the attitude of strict neutrality adopted by it up to the present time, the ——— Government considers that it is its duty in an unofficial manner to call the attention of the two delegations to the necessity of arriving as soon as possible at an understanding capable of putting an end to the present conflict, being persuaded that this attitude responds to the desires of both parties in question.

Informal delivery of a copy for each legation to be made by the consul at Shanghai; no legation to act unless all are authorized to do so.

Answer hereto should be received on the 17th.

CALHOUN.

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[1] Of representatives of the contending forces.

File No. 893.00/776.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, December 15, 1911.

Your December 15. You are authorized to take the action suggested, on the conditions mentioned.

Knox.

File No. 893.00/785.

The Japanese Chargé d'Affaires at Washington to the Secretary of State.

[Memorandum—Extract—Translation. Composed of the substance of a telegram received by the Japanese chargé d'affaires from his Government. Handed to the Secretary of State December 18, 1911.]

While realizing from the first the very serious nature of the present disturbance in China, the Japanese Government have so far found wisdom in abstaining from taking any special steps in connection therewith and have confined themselves to the position of keeping watch over developments of the situation. Progress of events however appear to bring a keener apprehension that the situation is growing worse. The dignity and power of the Manchu Dynasty have been reduced to naught. [Here follows a review of the Imperial Government's condition.]

On the other hand the revolutionists, who are divided among different localities, evidently lack cohesion and a real leader. [Review of the situation of the revolutionists.]

If this state of affairs is allowed to continue indefinitely not only will it arrest trade and commerce but may eventuate in an anti-foreign uprising somewhat similar to the Boxer trouble. Besides, with the approaching winter the indigent condition of millions of people who barely emerged from the effect of the recent flood and famine is likely to give rise to many acts of wantonness on the part of the newly enlisted soldiers and the otherwise peaceful populace in different localities. In such circumstances there can be little or no hope for the revolutionists successfully to maintain order in localities under their occupation.

The fundamental point of controversy in China to-day is in the choice between monarchy and republic. In the opinion of the Japanese Government however it would seem essentially difficult in a country like China to adopt a republican form of government nor do they believe that the Chinese people are at all prepared to carry into effect such a system of government even if it were adopted; especially when the actual state of affairs of the revolutionists' side is such as above reviewed there is little likelihood of their proving equal to the task they have imposed upon themselves. Yet, on the other hand, the powerlessness of the Manchu Dynasty can no longer be disputed. To restore its authority and let it reign over and govern the country under the old system would be equally beyond practicability.

Accordingly the best way to meet the present situation in China seems, in the opinion of the Japanese Government, to be by establishing practically a Chinese rule under nominal reign of the Manchu Dynasty, thus insuring on the one hand due respect for the rights of the Chinese people and checking, on the other, the arbitrary exercise by the Manchus of their power, and dismissing the impracticable idea of a republic. Fortunately enough the new Articles of Constitution, to which the Regent on behalf of the throne has solemnly sworn adherence, are already there. Imperfect as they are, they may nevertheless be helpful to the situation. It would thus appear to be very wise for China of to-day to adopt the course above indicated and endeavor to adjust its affairs accordingly.

Such being the case the Japanese Government deem it advisable to bring both sides to terms by making, on the one hand, the Manchu Dynasty accept the above principle and realize the wisdom of thus maintaining its reign, and making, on the other, the revolutionists understand not only the impracticability of establishing a republic, but the danger of such a scheme to the existence of the whole Empire as well as to the welfare of the Chinese themselves, leaving in the meantime the question of future guaranty for observance of the terms—that is to say, the maintenance of the present Dynasty and respect of the position of the Chinese—to the concert of the powers having important interests in China.

These are the views the Japanese Government take of the present situation in China, and they desire to be informed of what may be the views of the United States Government on the situation.

IMPERIAL JAPANESE EMBASSY,
Washington (Undated).

File No. 893.00/785.

The Secretary of State to the Japanese Chargé d'Affaires.

[Aide Memoire.]

The reports received by the American Government from its representatives in China lead it to share the apprehension as to the seriousness of the present situation there expressed in the memorandum of the Imperial Japanese Government presented to the Secretary of State on the 18th instant. These reports are further confirmed by the statements of responsible Chinese officials to the effect that the situation is critical, with the result that both Chinese and foreigners suffer.

It was these considerations that led the American Government cordially to approve the recent suggestion[1] emanating from the foreign representatives at Peking that some moral pressure should be exerted on both sides to bring them together in order that a peace agreement might result from the conference at Shanghai which convened on the 18th instant, and that to that end each present, with the authorization of their respective Governments, an informal and unofficial note to the commissioners representing both the parties in question.

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[1] See above, telegram Dec. 15.

The language of the note as drafted by the representatives at Peking commended itself to the Government of the United States in that while it did not minimize the serious effects of the present disturbances not only upon China itself but also upon the material interest and security of foreigners and emphasized the necessity of arriving as soon as possible at an understanding capable of putting an end to the present conflict, it still adhered to the attitude of strict neutrality adopted up to the present time by the common consent of the powers.

The Government of the United States believes that this joint action by the powers may well be considered as a first step toward the solution of the important questions presented by the memorandum of the Imperial Japanese Government, and would therefore be inclined to await the outcome of the present effort, reserving for future consideration by the concert of powers having important interests in China what further measures may be conducive to stable and responsible government in China.

Department of State.
Washington, December 21, 1911.

File No. 893.00/804.

The Japanese Chargé d'Affaires to the Secretary of State.

[Memorandum.—Translation of the substance of the telegram received by the Japanese Chargé d'Affaires from his Government. Handed to the Secretary of State December 21, 1911.]

In reference to the views of the Imperial Government on the present situation in China, which have been communicated to the Government to which you are accredited, the Imperial Government had also laid them before the British Government for an expression of the latter's view. Prior to this the British Minister at Peking, at the request of Yuan Shih Kai, instructed the British Consul General at Hankow to use his good offices between the Government and the revolutionaries, with consequent agreement between the two parties to the articles of armistice leading to the present negotiations for a settlement between them.

In view of what has thus been reached, the British Government approached the Imperial Government, independently of the latter's views above referred to, with the proposition of assisting the negotiations between Yuan Shih Kai and the revolutionaries. The proposition having been agreed to by the Imperial Government, it has been decided that the two Governments of Japan and Great Britain jointly lend assistance to the contending parties in their negotiations. This move on the part of the two Governments being however intended as no more than affording an assistance of merely benevolent nature in the interests of the parties directly concerned, it is hoped that the Government to which you are accredited will understand accordingly.

Imperial Japanese Embassy,
Washington (not dated).

File No. 893.00/804.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 21, 1911.

The Japanese embassy refers to the views of the Japanese Government mentioned in the Department's telegram of today,[1] and alludes to previous good offices of the British Consul General at Hankow in connection with the armistice; then continues: "In view of what has thus been reached" [etc. to the end of the above-printed undated Japanese memorandum received December 21].

Having thus learned of this bilateral understanding between Japan and Great Britain to assist the contending parties, this Government would be glad to have any information which the British Government may care to give as to the nature and scope of the proposed step and its relation to the policy of concerted action hitherto adhered to.

KNOX.

File No. 893.00/807.

The American Ambassador to Great Britain to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
London, December 23, 1911.

The Undersecretary of State for Foreign Affairs, Langley, has just sent me the following note:

> About a fortnight ago Sir John Jordan suggested that the Japanese Government should be invited to cooperate with us in assisting the negotiations between Yuan Shih Kai and the revolutionaries. He pointed out that it would strengthen our hands if we were in a position to let it be known that the other powers were with us.
>
> We agreed with this view, communicated on the subject with Tokyo, and when we replied to Sir John Jordan informing him of our concurrence, we told him of Mr. Knox's general wish, expressed some days before, that the United States Government and His Majesty's Government should be and act in perfect accord on the Chinese question.
>
> That there is no change in the policy of joint action hitherto pursued is quite clear from the telegrams subsequently received from Sir John Jordan, showing that he is in constant communication with his American colleague as well as with the Japanese minister; and as late as the 20th instant the American, British, French, German, Japanese and Russian representatives at Peking made a joint communication to the Commissioners of the Peace Conference at Shanghai, which shows conclusively that there is no change of policy.

REID.

File No. 893.00/820.

LONDON, *December 27, 1911.*

The views of Sir Edward Grey, more fully stated than in the letter from Langley of December 23, are set forth in the following memorandum received today:

> Yuan Shih Kai has constantly asked the advice of His Majesty's Minister in Peking, since the beginning of the present negotiations between the Chinese

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[1] Not printed. It mentioned the Japanese memorandum of December 18, and quoted the Department's response of December 21.

Government and the revolutionaries, and His Majesty's Minister proposed that the Japanese Government be invited to cooperate in assisting these negotiations, to which proposal His Majesty's Government at once assented in view of the terms of the Anglo-Japanese alliance. Instructions were accordingly sent to His Majesty's Minister at Peking and His Majesty's Consul General in Shanghai.

Sir John Jordan, at the time that he made the above proposal, added that it would strengthen his hands if he were in a position to let it be known that the other powers were with him, but that concerted action of more than two or three legations was too unwieldy to be workable. His Majesty's Government agreed with this view, and in order that Sir John Jordan might continue to keep in close touch with his United States colleague, they reminded him of the wish expressed a short time before by the United States Government that they and His Majesty's Government should act in perfect accord in the Chinese question.

From the information received from Peking there is no doubt that all legations are working together and are kept as fully informed as is practically possible of everything that passes between Yuan Shih Kai and His Majesty's Minister. His Majesty's Government intend to adhere strictly to the policy of concerted action at Peking and to take no steps which are not fully approved by all the powers interested.

REID.

NOTE.—On December 29 Dr. Sun Yat Sen was unanimously elected Provisional President of the Republic of China by the assembly convoked at Nanking by the military leaders of the revolution.

File No. 893.00/875.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, December 31, 1911.

Sun is leaving Shanghai tomorrow for Nanking to be inaugurated. He thus ignores the peace conference at Shanghai and the proposals to submit the form of government to a national convention.

Today Yuan asked if a suggestion could not be made by the six powers that the armistice be prolonged for several months or a year, each side controlling territory now in its possession. The powers might well urge both sides to prolong the armistice for such a reasonable time as would allow the selection of delegates to the convention. Yuan's insistence that the convention be fairly representative of the people seems reasonable.

CALHOUN.

File No. 893.00/991b.

The Secretary of State to the American Minister.

No. 210.]

DEPARTMENT OF STATE,
Washington, January 16, 1912.

SIR: I enclose herewith for the information of the Legation a copy of an instruction this day[1] addressed to the Consul General at Hankow regarding the attitude to be assumed by him in his relations with the local revolutionary leaders. In replying to any requests on the part of the American consuls in China for instructions as to the nature of the relations, if any, they may properly enter into with the revolutionary leaders, you should be guided by the general principles embodied in the enclosure to this instruction.

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[1] Should be 18th.

I am [etc.] P. C. KNOX.

[Inclosure—Extract.]

The Secretary of State to the American Consul General at Hankow.

No. 13.] DEPARTMENT OF STATE,
Washington, January 13, 1912.

SIR: Your maintaining a course of strict neutrality has the Department's approval; nor does the Department find objection to your entering into informal relations with the revolutionary leaders whenever it may seem advisable to do so for the safety of the persons and the security of the property of American citizens.

The fact of holding communication, whether oral or written, with the revolutionary leaders can not be regarded as a recognition of the revolutionists as a responsible government. The revolutionists, however, being in control of the public machinery of local government and administering the functions of state throughout various districts, are to be held accountable for any acts committed therein affecting the public interests of the United States and the security of American life and property. You may accordingly at your discretion personally and informally acknowledge the receipt of communications from the revolutionary leaders, provided such communications are confined to the concrete matters enumerated above.

I am [etc.] For Mr. KNOX,
WILBUR J. CARR.

File No. 893.00/1083.

The American Minister to the Secretary of State.

[Extract.]

No. 399.] AMERICAN LEGATION,
Peking, January 16, 1912.

SIR: I have the honor to report that ever since my return here the situation has been so confused and so obscured with doubt and uncertainty that it has been impossible to make any satisfactory estimate of it. It seems to change every day. * * *

There are various estimates of Yuan. He is generally regarded as the ablest man that China has to-day. * * * I have no doubt he came here in good faith, intending to support the Manchu dynasty. But he has been overwhelmed by the tide of opposition to the Manchus. * * * The result is Yuan has been wavering and hesitating and listening to all kinds of advice. It is manifest that up to this moment he has not formulated any definite policy; he is simply drifting with the tide. * * * Yuan appears to have reluctantly come to the conclusion that the Manchus must go, but he has not had the nerve, or else has not deemed it wise, to tell them so. * * * It is believed, however, that it is only a question of days when abdication will be announced. * * *

The feeling in the north seems to be very strong against the south and especially against the new republic. The weakness of the republican movement in the south seems to be that it is promoted, supported, and controlled almost entirely by Cantonese influence. And Sun Yat Sen, whatever his character and ability may be, is not regarded here as a representative man. He was born on the coast. He was educated and has lived most of his life abroad. He knows nothing of the interior of China, or of the life, character, traditions, and habits of the Chinese people. There is much jealousy and many antagonisms between the provinces, and especially between the interior and coast provinces. It is therefore very doubtful if Sun Yat Sen can hold the situation or command the varied and conflicting influences which will become active once the Manchu influence is removed.

Therefore at this writing the crisis seems to be close at hand. No one is wise enough to predict what will happen.

I have [etc.]

W. J. CALHOUN.

File No.

The Chinese Republican Minister for Foreign Affairs to the Secretary of State.

[Telegram.]

NANKING (undated; received Jan. 17, 1912).

Republican Government has been firmly established. To facilitate our intercourse with foreign countries and enable us the better to fulfill our international obligations, I earnestly urge upon you the advisability of recognizing our Government at an early date.

WANG CHUNG HUI.

File No. 893.00/937.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, January 19, 1912.

The Imperial Clan voted today to accept the edict that Yuan has drafted, by which the Emperor abdicates and consents to organization of republican government.

Yuan will be made plenipotentiary to negotiate with revolutionists and organize a new government. He intends to remove to Tientsin and there conduct the Government.

CALHOUN.

File No. 893.00/938.

The Chinese Republican Minister for Foreign Affairs to the Secretary of State.

[Telegram.]

NANKING, *January 19, 1912.*

Manchu Government having entered into negotiation with Republic of China for purpose of abdicating their entire sovereign rights, power and privileges, we fervently pray recognition, to avoid disastrous interregnum.

WANG CHUNG HUI.

File No. 893.00/966.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, January 20, 1912.

Republican ultimatum demands that Yuan shall not set up a provisional government after the abdication.

CALHOUN.

File No. 893.00/1029.

The Secretary of State to the Ambassador of Austria-Hungary.[1]

DEPARTMENT OF STATE,
Washington, February 8, 1912.

MY DEAR MR. AMBASSADOR: I have the honor to inclose for your excellency's information copy of a note setting forth in reply to an inquiry of the Imperial German Government (with which we have had some informal exchange of views) the attitude and general impressions of the Government of the United States in regard to certain phases of the Chinese situation.

Trusting that the substance of the inclosed note will be found in full accord likewise with the attitude and views of the Austrian Government,

I remain [etc.].

P. C. KNOX.

[Inclosure 1.]

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, January 31, 1912.

MR. SECRETARY OF STATE: I have the honor respectfully to inform your excellency that in view of the development of affairs in the Far East the Imperial Government would desire to obtain confidential information as to the attitude of the Government of the United States toward the said development.

I avail [etc.].

J. BERNSTORFF.

[Inclosure 2.]

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, February 3, 1912.

YOUR EXCELLENCY: In reply to your note of the 31st ultimo requesting information as to the attitude of the Government of the United States with regard to conditions in China, I have the honor to state that since the beginning of the present disturbances this Government has from time to time as occasion arose exchanged views with the other interested powers—particularly France, Great Britain, Italy, Japan, and Russia, as well as the Imperial German Government—as to what course was expedient for the protection of the common interests. From these exchanges it has been quite clear that all the powers concerned were as one as to the wisdom of maintaining the policy of concerted action in the circumstances.

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[1] Mutatis mutandis to the French, British, Italian, Japanese, and Russian Embassies and the Netherlands Legation at Washington.

The unanimity of this view found concrete expression in the identic note presented by the representatives of France, Great Britain, Germany, Japan, Russia and the United States simultaneously to the peace commissioners at Shanghai on December 20, as well as in the cooperative measures taken for the protection of their common interests throughout China.

The advices received by this Government, moreover, show that the other Governments concerned have likewise had similar exchanges of views and that official statements of policy to the same effect have appeared in the public press of various countries.

It is therefore evident to this Government that all the powers have up to the present by common consent not only refrained from independent action and from intervening in China's internal affairs, but have acted in full accord with their mutual assurances that they would respect its integrity and sovereignty. There happily has thus far been no reason for interference on the part of the foreign powers, inasmuch as both Imperialists and Republicans have guaranteed the life and property of the foreign population, and the latest reports tend to strengthen the belief that it is improbable that future developments will necessitate such interference. If, however, contrary to all expectations, any further steps should prove necessary, this Government is firm in the conviction that the policy of concerted action after full consultation by the powers should and would be maintained in order to exclude from the beginning all possible misunderstandings.

Moreover, this Government has felt it to be a corollary of the policy of strict neutrality hitherto pursued by common accord with respect to loans to China to look with disfavor upon loans by its nationals unless assured that such loans would be of neutral effect as between the contending factions, as it has also felt that the present was an occasion where there might be invoked with peculiar appropriateness the principles of the lending Governments deterring their nationals from making loans not approved as to their broad policy by their own Governments in consultation with the other interested powers.

Accept [etc.].

P. C. Knox.

File No. 893.00/1154.

The American Minister to the Secretary of State.

[Extract.]

No. 428.] American Legation,
Peking, February 12, 1912.

Sir: I have the honor to report that the international situation here is critical, and at times very much strained. Despite the concerted action agreed upon, there is much jealousy and suspicion of each other manifested by the representatives of the six leading powers. The tendency seems to be for the English and Japanese to work together, and the intimacy between the French and Russians is marked. These combinations are, for many reasons, to be expected, but they leave the Germans and the Americans very much to themselves. * * *

All of the powers are more or less suspicious of the Americans. They seem to think we have some exclusive or personal policy in mind; that our professions of altruism are a mere blind; and that we hope or intend, somehow or somewhere, to secure an advantage, either in prestige or substance, in which the rest will have no share. * * * It was all right so long as we released indemnities, educated Chinese youth at home, and sent missionaries to China. But when we rather forcibly injected ourselves into the Hukuang loan, tried to neutralize the Manchurian railways, proposed to build the Chinchow-Aigun railway, and finally negotiated a preliminary contract for the currency loan, we were then and are now believed to entertain an active and aggressive policy, which is competitive if not hostile to all other foreign interests in China. * * *

It is therefore probable that for some time to come American influence in China will be obstructed in every way possible. It is not enough that the Chinese people may be friendly to us. They have been, and doubtless will continue to be, the subject of foreign coercion of one kind and another that deprives them of freedom of action. They will not dare to oppose either Russia or Japan. They know that all the support we can give them is sentimental and philanthropical in its character. * * *

If the necessities of market conditions once came home to the American people in such a way as to make them support a national policy in the Far East that insured the "open door" and equal opportunities, the attitude of other nations toward us might be very different. As it is, we are comparatively helpless. Diplomacy, however astute, however beneficent and altruistic it may be, if it is not supported by the force which not only commands but demands respect and consideration, will avail but little.

I have [etc.]

W. J. Calhoun.

File No. 893.00/1157.

No. 427.

American Legation,
Peking, February 13, 1912.

Sir: I have the honor to send inclosed copies in duplicate of translations of three notes[1] received last night from the Chinese Government.

The first is from the Acting Minister of Foreign Affairs of the former Imperial Government communicating the imperial edict which vests sovereignty in the people and empowers His Excellency Yuan Shih-kai, the Premier, to organize a provisional republican government. The second is from His Excellency Yuan Shih-kai, plenipotentiary for the organization of the provisional government, inclosing the terms agreed upon with respect to the treatment of the Imperial family and of the edict accompanying the same; and the third is from His Excellency Hu Wei-te, Chief of the Office of Foreign Affairs of the Provisional Government, informing me that the members of the former Cabinet, by order of the plenipotentiary, will for the present retain their portfolios.

These documents are of profound significance, marking the close of the Ta Ch'ing Dynasty and the rule of the Manchus, and ushering in a new era whose character is yet to be determined, but which will undoubtedly be marked by the return of the Chinese to the control of their country.

We are now confronted by a situation of extreme delicacy, which calls for the exercise of great forbearance on the part of the representatives of the two Provisional Governments. Only if real unselfish patriotism be manifested can the questions at issue be settled speedily and without further conflict.

I have [etc.]

W. J. Calhoun.

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[1] Not printed.

File No. 701.9311/131.

The Chinese Minister to the Secretary of State.

CHINESE LEGATION,
Washington, February 14, 1912.

SIR: I am instructed by my Government to inform you that the Emperor of China, by a decree dated the 12th of February, has formally abdicated the throne, and vested his excellency Yuan Shih Kai with full power to adopt and establish a republican form of government; and that pending the establishment of such a government the diplomatic and consular officers of China abroad are to continue in the discharge of their respective functions as representatives of China without interruption.

Accept [etc.]

CHANG YIN TANG.

File No. 893.00/1071.

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, February 14, 1912.

MR. SECRETARY OF STATE: The Imperial Government has instructed me to express to your excellency its special satisfaction at finding the views concerning the American policy in the Far East, as set forth in your excellency's note of the 3d instant relative to China, to be in full consonance with the German pursuits in China. Your excellency's announcement appears to be fully appreciated in Germany.

Taking special pleasure in carrying out these instructions, I avail [etc.]

J. BERNSTORFF.

File No. 893.00/1072.

The American Minister to the Secretary of State.

[Telegram.—Extract.]

AMERICAN LEGATION,
Peking, February 15, 1912.

Resignation of Sun and Cabinet has been accepted by the Nanking Assembly. Election of a new president set for to-day.

CALHOUN.

File No. 893.00/1073.

[Telegram.]

AMERICAN LEGATION,
Peking, February 16, 1912.

Yuan Shih-Kai unanimously elected President yesterday by the Nanking assembly. To-day the Imperial family and the former Ministers of State all urged him not to decline the office. The provisional capital is fixed at Nanking. Sun telegraphs Yuan that an envoy has been sent to invite him to come to Nanking.

CALHOUN.

File No. 893.00/1078.

The Ambassador of Russia to the Acting Secretary of State.

No. 69.] IMPERIAL EMBASSY OF RUSSIA,
Washington, D. C., February 17, 1912.

MR. ACTING SECRETARY OF STATE: By order of the Imperial Ministry of Foreign Affairs I have the honor to transmit herein below to you, in reply to the communication Mr. Knox was pleased to send me on February 8, the following statement of the Imperial Government's views of the situation in China:

> Since the beginning of the present crisis in China the Imperial Government has observed an attitude of strict neutrality toward the two parties contending for power in that country. The two parties having thus far respected the interests of foreigners, the Imperial Government perceives no reason for departing from that attitude.
>
> If, however, the common interests of foreigners should be affected by the struggle, the Imperial Government would see no objection to an exchange of views with the other powers concerning the measures to be taken for the protection of the said interests. The Imperial Government concurs with the Federal Government in the opinion that it would be expedient for the powers to agree among themselves not to extend any support to their subjects who should have any intention of supplying with funds the imperialist party or the party that favors the republic in China.
>
> The Imperial Government, however, deems it proper to state that no Russian subject has as yet attempted to float a loan in behalf of either of the two parties above mentioned.

I avail, etc.,

G. BAKHMÉTEFF.

File No. 893.00/1211.

The American Minister to the Secretary of State.

No. 436.] AMERICAN LEGATION,
Peking, February 20, 1912.

SIR: I have the honor to inclose herewith two copies of a despatch, dated the 10th instant, from Dr. Charles D. Tenney, Chinese secretary of this legation, now at Nanking, in which he reports an interview with Dr. Sun Yat Sen, president of the provisional government of the south. The Department's attention is respectfully invited to that part of the inclosure regarding the reported activities of the Japanese looking to an alliance with the Chinese republic.

I have, etc.,

W. J. CALHOUN.

[Inclosure—Extract.]

The Chinese Secretary of Legation to the American Minister.

No. 6.] NANKING, *February 10, 1912.*

SIR: I called yesterday upon the president of the provisional government, Dr. Sun Wen. I told Dr. Sun that I received his message regarding the activity of the Japanese and asked if he had anything to add. He replied that he had nothing more to say except to explain that the proposition for the offensive and defensive alliance with the Chinese republic came, not from the regular Japanese Cabinet through the Minister for Foreign Affairs, but from the "elder statesmen" who controlled the Japanese Government unofficially, and that the negotiations were with them. This method of managing the affair, of course, gives the Japanese Foreign Office the power to deny that any such negotiations are taking place. * * *

In the course of the conversation I told him that the American Government had tried to maintain strict neutrality throughout the present struggle in China and that we considered it the part of true friendship so to act. I assured him that not only the American Government but the mass of the American people entertained feelings of sincere friendship for the Chinese people; that we wished to see the integrity of China preserved, and we wished to allow the Chinese people to settle for themselves the question of the form of government under which they would be ruled without any outside interference; that the American legation had given no aid or support to either side, in order to avoid establishing a precedent for outside interference which might be used by other powers to prolong the civil war and weaken China. I assured him that when the Chinese had finally settled their disagreement and north and south had reunited, America would not be backward in showing her friendship. * * *

I am [etc.],

CHARLES D. TENNEY.

File No. 893.00/1105.

The Japanese Embassy to the Department of State.

[Summary of an undated memorandum handed to the Acting Secretary of State by the Japanese Ambassador, February 23, 1912.]

IMPERIAL JAPANESE EMBASSY,
Washington.

The powers will be called upon to recognize any new and stable government established in China, and it is essential to continue under any such new order of affairs the rights, privileges and immunities of foreigners at present enjoyed. The majority of these rest upon treaty grants, but some depend upon legislative enactment or upon custom. Therefore a confirmation of all these rights, privileges and immunities should be secured by the powers at the time of recognition of any new government. At the same time they should secure from such new government formal engagements regarding the foreign indebtedness of China. In view of the foregoing the Imperial Japanese Government suggest that the principle of joint action, adhered to so successfully during the present crisis, be extended to the recognition of any new government and to the above-mentioned conditions thereof, in order to secure guaranties more satisfactory than could be obtained otherwise.

File No. 893.00/1103.

The Ambassador of Great Britain to the Acting Secretary of State.

BRITISH EMBASSY,
Washington, February 24, 1912.

DEAR MR. SECRETARY: His Majesty's Principal Secretary of State for Foreign Affairs understands that a memorandum has been communicated to the Government of the United States by the Government of Japan stating the conditions which should be secured when there shall be in China a government entitled to recognition. This memorandum, which further advocates that the powers should continue to act in concert, has been communicated to Sir Edward Grey, who has replied that he agrees to it in principle. I should be very glad if, should there be no objection, you could let me know for Sir Edward Grey's information what answer the United States Government propose to return to this communication.

Very sincerely, yours,

JAMES BRYCE.

File No. 893.00/1105.

The Acting Secretary of State to the American Ambassador to France.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 25, 1912—8 p. m.

Referring to Secretary Knox's note [of February 3] to the German Ambassador here, the substance of which was sent you through the Embassy at Berlin on February 5, the British and German Governments state that the substance of the note is quite in accord with their own attitude. The Governments of Japan and of Russia also concur with the United States in the view that the policy of nonintervention and of common action for the protection of the common interests in China in the present crisis has been and still is the wisest course for the powers concerned to pursue.

Repeat to embassies at London, Berlin, Rome, and St. Petersburg for their information.

HUNTINGTON WILSON.

File No. 893.00/1105.

The Department of State to the Japanese Embassy.

[Memorandum—Summary.]

With reference to the memorandum handed to the Acting Secretary of State on February 23 by the Ambassador of Japan, the Government of the United States welcomes this fresh affirmation by the Imperial Japanese Government of the policy of concerted action and agrees in principle to its application to the recognition of the Republic of China as far as this course will entail no delay. The Government of the United States will be glad to reply more definitely in regard to the other questions raised when more explicitly informed as to the nature and terms of the guaranties proposed. It may be said in the meantime that this Government regards the established obligations of China as holding irrespective of the form of government, and as passing automatically to the de facto provisional government with which the United States will informally deal, and thence to such ultimate government as may merit formal recognition.

DEPARTMENT OF STATE,
Washington, February 27, 1912.

File No. 893.00/1103.

The Acting Secretary of State to the Ambassador of Great Britain.

DEPARTMENT OF STATE,
Washington, February 28, 1912.

MY DEAR MR. AMBASSADOR: I have the honor to acknowledge the receipt of your note of the 24th instant, regarding the recent memorandum of the Japanese Government on the question of the formal recognition of a new government in China and wherein it is suggested that such recognition be conditioned upon the giving by the new government of certain guaranties and that the concert of the powers should be continued in the consideration of this question. Besides stating that your Government agrees in principle to the suggestions of the Japanese Government, you request to be informed as to any reply this Government may make to the communication of the Japanese Government.

In reply I beg to state that in a memorandum handed to the Japanese ambassador yesterday this Government, besides welcoming the fresh affirmation by the Japanese Government of the principle of concerted action, agrees in principle to the application of that policy to the recognition of the republic of China in accordance with the accepted principles of international law, so long as no undue delay is entailed thereby. The Japanese Government was advised, moreover, that this Government would be glad to make more definite reply to the other questions raised when informed more explicitly as to the nature and terms of the proposed guaranties. The view was also expressed that the established obligations of China hold irrespective of the form of government and pass automatically in turn to the *de facto* provisional government and to such ultimate government as may merit formal recognition.

I am [etc.], HUNTINGTON WILSON.

File No. 893.00/1215.

The American Minister to the Secretary of State.

[Extract.]

No. 446.] AMERICAN LEGATION,
Peking, March 1, 1912.

SIR: Last evening about half-past 7 o'clock we were surprised by the sound of rifle firing in different parts of the city, and almost immediately a 3-inch percussion shell landed in the compound of the marine guard. Fortunately, the shell did not explode, otherwise it would probably have killed or wounded a number of men. * * *

The rifle firing seemed very heavy in the neighborhood of the new Wai Wu Pu building, now occupied by President Yuan and his executive staff. Our first thought was that it indicated an attack upon the president, and that his assassination, so long feared, had come at last. But he is safe and the attack appears not to have been made against him. The firing soon became quite general and evidenced a concerted movement of some kind. It was evident that no conflict of any kind between contending forces was going on, because there was no volley firing; it was a case of quite general but indiscriminate shooting.

Members of the marine guard, who were out on leave, and other Americans, began to come in, and they reported that a general looting of shops on the principal streets was going on; that it was being done entirely by soldiers, assisted in some instances by the police, who were shooting indiscriminately, yelling like fiends, smashing in doors and windows, carrying off merchandise of all kinds, and setting fire to the buildings. * * *

The special phase of the outbreak, which may be said to be one redeeming feature of it, was the absence of any antiforeign demonstration. Evidently the sole purpose of the outbreak was loot.

It is said the troops engaged left the city early this morning, captured two or three trains, and have gone down the railroad toward Paoting-fu. The city seems to be free from them.

It is apparent that Yuan has little or no control over his troops. He has lost much "face" over this unfortunate affair, and the effect upon the pending negotiations with the Nanking delegation will be bad.

I have [etc.] **W. J. Calhoun.**

File No. 893.00/1146a.

The Acting Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, March 2, 1912.

The following is the text of a joint resolution passed by the House of Representatives February 29:

> Whereas the Chinese Nation has successfully asserted the fact that sovereignty is vested in the people, and has recognized the principle that government derives its authority from the consent of the governed, thereby terminating a condition of internal strife; and
>
> Whereas the American people are inherently and by tradition sympathetic with all efforts to adopt the ideals and institutions of representative government: Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States of America congratulates the people of China on their assumption of the powers, duties and responsibilities of self-government, and expresses the confident hope that, in the adoption and maintenance of a republican form of government, the rights, liberties, and happiness of the Chinese people will be secure and the progress of the country insured.

The text should be circulated among the American consulates in China to be discreetly given such publicity as will be conducive to the interests of the United States. It may be regarded as an expression of the sympathy of the American people, through their representatives, with the new order of things in China. Due care should be taken, however, particularly with the leaders now assembled at Peking, that this action be not confused with recognition, which is a prerogative of the Executive and as to which it is the present intention of the President and the Department to proceed in harmony with the other powers by entering automatically into effective informal relations with the *de facto* provisional government, pending the establishment of such ultimate government as may merit formal recognition.

Huntington Wilson.

File No. 893.00/1187.

[Telegram.—Extract.]

American Legation,
Peking, March 4, 1912—7 p. m.

Serious mutiny in Wuchang February 27. General condition of anarchy occasions reasonable fear that foreign intervention may become necessary. Japanese are bringing one more battalion to Tientsin from Manchuria.

Calhoun.

File No. 893.00/1229.

The American Minister to the Secretary of State.

[Extract.]

No. 463.] AMERICAN LEGATION,
Peking, March 8, 1912.

SIR: Supplementing my No. 446, of March 1, 1912, I have the honor to further report that the outbreak in Peking which occurred on Thursday evening, February 29, continued all of that night: shooting, burning, and looting everywhere. Friday night the riot started up again, with shooting, burning, and looting going on over most of the city. Soldiers of other divisions, together with most of the police, participated in it; they looted vigorously. No apparent effort was made to suppress it.

Yuan Shih-kai seemed overwhelmed with the disaster. He was simply stunned. All evidences of authority possessed by him shriveled to nothing. He did not have a soldier or a policeman upon whom he could rely. While the storm was still raging on Saturday, about noon, Tong Shao-yi (who had taken refuge in the legation quarter) addressed a note to Sir John Jordan, the British minister and dean of the diplomatic corps, in which he said the situation was becoming more serious; he had word that a large body of troops were coming from Paoting-fu to Peking, and he suggested that the diplomatic body should be convened at once to take action to protect the city and to prevent bloodshed.

The British Minister issued an urgent call for a meeting of the diplomatic body, and it convened very soon afterwards. The diplomatic body agreed that the situation was grave. While no antiforeign feeling had been so far displayed, yet the temper of the mob, in that respect, could not be relied upon; the antiforeign feeling might develop any moment. Even the legation quarter might invite attack, not so much because it was occupied by foreigners as of the well-known fact that immense stores of valuable property had been deposited there for safety by wealthy natives.

The diplomatic body, however, deemed it inexpedient and inadvisable, at this time, for foreigners to actively interfere in the situation or to assume police control of the city. The time might arrive wherein it would be necessary to do so in order to protect human life, but that time apparently had not arrived. It was agreed, however, that conditions justified and demanded that the number of foreign troops in Peking should be increased, not so much for defensive purposes as for the effect on the Chinese. If a show of foreign force were made, it was believed it would have a restraining effect on the mob; that the legations which were in a position to do so might bring troops up from Tientsin and have them go through the streets a few times, and thereby show the irresponsible Chinese soldiers and the mob of looters following them that there was a force here which they must respect, and which they would have reason to fear if their depredations went too far or continued too long. The gravity of the situation was increased by the fact that there were some 30,000 native troops, including the Manchu contingent, in and around Peking. All of them, so far as we knew anything about them, were either in open mutiny or mutinous and aggressive in spirit, and were liable to break loose any moment. At least it was apparent that Yuan himself was afraid of them and that he did not dare to use them, or any part of them, to suppress the existing disorder; besides, many of them were at that moment actively engaged in looting. And if these forces should combine and dare to make an assault upon the legation quarter, we would have our defensive strength strained to the utmost limit to hold them off.

The British minister was of the opinion that at least 1,000 additional troops should be brought to the city at once. He said he would bring 200 men from Tientsin. The French and Japanese Ministers agreed to do the same. The Russian chargé d'affaires assented to the proposition, but did not bring any, because he did not have them at hand. I agreed to bring 100 and an additional hundred if I could. The German Minister was not present, but he afterwards brought in 100 men. I called up on the telephone Major Arrasmith, the commander of the Fifteenth Regiment, at Tientsin, stated the situation to him, and he sent 200 men. He put them on the cars that night and they arrived in Peking Sunday morning. The troops of the other nationalities followed soon after.

On Saturday evening, March 2, the riot subsided. The city was then policed, strange to say, by the old Manchu police and gendarmerie, and they are policing the city now. Fairly good order has since been preserved.

Tientsin was the next place to have trouble. On Saturday evening, March 2, the rampage started there, and was even more destructive in its depredations than in Peking.

Paoting-fu was the next place to be heard from. This is said to have been a wealthy and prosperous city. The business section of the city is wholly destroyed; the devastation is complete.

The mutinous soldiers have gone on their way looting, burning, and sacking villages in every direction. The fact is, there is general disorder throughout the entire north. And it has something of a political cast. These soldiers who broke out in Peking told missionaries here and in Paoting-fu that their conduct was incited by their opposition to the republican movement. They condemned Yuan in severe terms for having gone over to the republicans. They also complained of not receiving their pay and of reductions in the same, but still they were pronounced in their dissent with the turn political events had taken.

The revolution was comparatively easy; it had no opposition; but now the great strain, the great test, of the movement has come. It is not too much to say that the north is seething with unrest, and if the Manchus had a leader among them with a grain of courage a coup could be pulled off in the north even more easily than the triumph of the republican movement was achieved.

Even the south is not free from trouble. There is conflict at Wuchang, at Nanking and Wuhu, Canton, and elsewhere. A counter revolution is brewing at Foochow, and there is a factional contest between the civil and military authorities there. The army, whether north or south, is the disturbing, the dangerous, element in the situation. It is without discipline, without patriotism, without leadership, and is now arrogantly conscious of its power. It won the revolution, and its members know it. The soldiers do not care a fig for the collection of intelligent, amiable, spectacled young returned students now at Nanking, who are so busily engaged in writing constitutions for China. These soldiers have no intelligent conception of what a republic is, or what their relations to it ought to be, and they have no higher or stronger feeling than lust and loot.

It may be that if Yuan gets some money, so that he can pay these soldiers, he may be able to hold them in line, and he may, in time, be able to organize from them a force upon which he can depend and by which he may restore and maintain order. But as things are now it is not too much to say that the fires that blazed through the streets of Peking, Tientsin, and Paoting-fu are only a part of the flame of anarchy with which this unhappy, this distracted, country is now threatened. There is no one here, whether diplomat or what not, but fears and believes a period of great strife is before us.

I have [etc.],

W. J. CALHOUN.

File No. 893.00/1202.

The Ambassador of Russia to the Acting Secretary of State.

No. 100.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, March 8, 1912.

MR. ACTING SECRETARY: The Federal Government will have had before it the Japanese proposition that advantage be taken of the moment when the new Chinese Government is recognized to secure the integrity of the rights, privileges, and immunities enjoyed by all foreigners in China, both by virtue of treaties and by accepted usages. Japan therefore suggests that the powers should arrive at an agreement not to recognize the new Government until they have secured from it adequate guaranties for the safeguard of their common interests. This proposition was also made by the Ambassador of Japan at St. Petersburg to the Imperial Government, which gave it its assent.

In communicating the foregoing I am instructed to bring to your notice that fact that Russia holds in North Manchuria, Mongolia and Western China special interests and rights founded on her treaties and conventions with China.. While approving the idea of a joint action of the powers as far as it bears on the defense of their general interests in China, the Imperial Government must reserve to itself, in respect to Russia's rights and special interests in the said regions, the right to take such protective measures as may be forced upon it by necessity.

I avail [etc.],

I. BAKHMÉTEFF.

File No. 893.001Y/9.

The Chinese Minister to the Acting Secretary of State.

No. 34.]

CHINESE LEGATION,
Washington, March 9, 1912.

SIR: I am instructed by my Government to inform you that His Excellency Yuan Shih-Kai will take the oath of office and enter upon the duties as Provisional President of the Republic of China, at Peking, on the 10th instant.

Accept [etc.]

CHANG YIN TANG.

File No. 893.00/1170.

The American Minister to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, March 9, 1912.

Yuan authorized by Nanking Assembly to be inaugurated at Peking on March 10.

CALHOUN.

File No. 893.51/795.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, March 12, 1912.

The Minister for Foreign Affairs frankly states that Russia does not wish to see a strong military power in China. He further expressed his doubt of the ability of China to maintain law and order as a republic. Nevertheless Russia may join the four powers already interested in emergency loans to China, but with the proviso that if so her interests, notably in railways available in war, shall be strictly conserved in Manchuria, Mongolia and Western China; and with the further proviso that Russia by so joining incurs no implied recognition of the Chinese Republic.

GUILD.

[Extract.]

AMERICAN EMBASSY,
St. Petersburg, March 13, 1912.

SIR: Confirming my yesterday's telegram, the Russian Government appears to be acting in good faith with the other powers. Russia is protecting her consulates in Mongolia with troops and increasing the consulates. The Russian Government is profoundly dissatisfied with the prospects in China and believes the Provisional Government a failure. Every possible influence will be used to prevent creation of another strong military power on Russia's borders, or the construction of railroads that could be used against Russia in war.

I have [etc.]

CURTIS GUILD.

File No. 893.00/1202.

The Acting Secretary of State to the Ambassador of Russia.

No. 16.]

DEPARTMENT OF STATE,
Washington, March 18, 1912.

EXCELLENCY: In acknowledging the receipt of the note of March 8, in which your excellency courteously informed me of the assent of the Imperial Russian Government to the recent proposals of the Government of Japan relating to an agreement of the powers as to the recognition of the new Government of China, I have the honor to state that, as your excellency has already informally been advised, the Government of the United States likewise expressed its agreement in principle to the policy of concerted action in the recognition of the Republic of China in accordance with the accepted principles of international law, so long as no undue delay was entailed thereby, and stated that the American Government would be glad to make more definite reply to the other questions raised when informed more explicitly as to the nature and terms of the proposed guaranties. The view was expressed that the established obligations of China held irrespective of the form of government and passed automatically in turn to the *de facto* Provisional Government and to such ultimate government as might merit formal recognition.

I take note of the statement in your excellency's communication that in approving the idea of joint action by the powers in the defense of their general interests in China, the Imperial Russian Government reserves, in respect of Russia's particular rights and interests based on treaties and conventions, the right to take such protective measures as necessity may demand.

Accept [etc.]

HUNTINGTON WILSON.

File No. 893.00/1234.

The Ambassador of Great Britain to the Acting Secretary of State.

BRITISH EMBASSY,
Washington, April 2, 1912.

DEAR MR. WILSON: I wrote to you on the 21st,[1] telling you that His Majesty's Government had received from the Russian Ambassador a communication similar to that sent to your Department regarding the reserves which his Government made in agreeing to the Japanese proposals regarding the recognition of the new Chinese Government.

I informed you that Sir Edward Grey, in reply to that communication, had not then made a reference to those reserves. I am now, however, told that he has now informed the Russian Ambassador that His Majesty's Government recognize the right of Russia to take such action as may be necessary to safeguard her special rights and interests in northern Manchuria, Mongolia, and the Chinese west, in so far as such special rights and interests arise out of treaties and agreements with China.

Very sincerely, yours,

JAMES BRYCE.

File No. 151.096/28.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, April 4, 1912.

I am requested by the Minister for Foreign Affairs to instruct certain consuls to visa Section 6 certificates issued by local provisional government. Would compliance with this request involve recognition of the present administration?

CALHOUN.

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[1] Not printed.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 5, 1912.

Compliance with the request of the Chinese Foreign Minister referred to in your April 4 does not involve formal recognition; it would be in harmony with our de facto relations with the present administration. You may instruct consuls to comply, with this understanding.

Huntington Wilson.

File No. 893.032/4.

The American Minister to the Secretary of State.

[Extract.]

No. 531.]
American Legation,
Peking, May 2, 1912.

Sir: I have the honor to send enclosed in duplicate five clippings from the Peking Daily News[1]; three from its issue of April 30 and two from that of May 1. One of the former reports the opening of the National Council in Peking on April 29; a second gives the text of the address of the Provisional President of the Republic delivered on that occasion; and the third is an editorial comment upon the event. * * *

The opening of the Council was a noteworthy event and inasmuch as a rather serious disagreement developed among its members immediately after assembling which is but briefly mentioned in the clipping, I have the honor to explain the reference more fully.

When the Council met it at once appeared that of the 76 members reported present a large number were never elected members of this National Council but were members of the Advisory Council that formerly sat at Nanking. [The minister here gives the details of this complication.] A compromise was finally reached on the afternoon of May 1, when it was decided that the representatives of Kiangsi and Hupei in the Nanking Assembly now in Peking, who come from Provinces as yet unrepresented here, should be allowed to sit in the National Council until duly elected representatives of these Provinces shall arrive. There are six Provinces which have as yet held no election, and to those telegrams were sent yesterday urging the immediate election of representatives. * * *

The acting chairman made a few remarks in which he sought to enforce his view that this was none other than the Nanking Assembly transferred to Peking, and then introduced President Yuan Shih-kai, who was received with applause. The President read his address and on its conclusion a reply was read by the acting chairman.

The address of the President, which has been widely published in Chinese and in English, made an excellent impression upon the foreign residents of China. It will be noticed that he recognizes the financial problem as the one of paramount importance. He speaks of the necessity of borrowing foreign capital and of improving the national credit by introducing financial reform. He admitted too that China has few men qualified to undertake financial reform, and this admission may perhaps have been intended to prepare the way for the engagement of foreign expert advice. * * * In short there is more than a suspicion that the passages of the address to which attention has been called [tariff and land tax] were designed for foreign consumption.

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[1] Not printed.

I have [etc.]

W. J. CALHOUN.

File No. 893.51/878.

The German Ambassador to the Acting Secretary of State.

GERMAN EMBASSY,
Washington, May 5, 1912.

MY DEAR MR. WILSON: With reference to our last conversation I beg to say that I have again been informed by my Government that Japan makes a reservation with regard to her claims in Mongolia. My Government considers that such claims go rather too far, but is ready to recognize the Russian and Japanese claims as far as they are based on written conventions concluded with the Chinese Government before the fall of the Manchu Dynasty.

I should be very much obliged to you if you would kindly let me know which point of view is taken by the Government of the United States.

With many thanks [etc.]

J. BERNSTORFF.

File No. 893.51/873a.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 6, 1912.

In the judgment of the Legation, and in the light of the more recent reports from our consuls, how far is the situation in China responsive to the conditions of recognition of governments under international law; and, specifically, in what respects does the Provisional Government still fall short of the requirements?

HUNTINGTON WILSON.

File No. 893.00/1304.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, May 7, 1912.

The present coalition Government is nominally in possession of 20 Provinces, under military governors the extent of whose submission to the central Government is problematical. The north and south are not yet well fused, but the only organized resistance is in Mongolia, Kanush, Turkestan and Thibet. There is acquiescence but not hearty support on the part of the wealthy and educated, and the real will of the mass of the people is not known. The National Council cannot therefore be considered representative. The Government was established by the poltical manoeuvers of a few, not by general demand of the people. But it is the only government in sight, and recognition would strengthen its hold on the country, particularly if given by concerted action of the powers.

CALHOUN.

File No. 893.51/878.

The Acting Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, May 9, 1912.

MY DEAR MR. AMBASSADOR: I wish to thank your excellency for your letter of the 5th instant relating to reported Japanese reservations with reference to Mongolia. As intimated to you in our recent conversation the Department has received no reliable information on the subject from any source except that kindly furnished by your excellency. We have therefore not given the subject any special consideration, but with respect to similar reservations made by Japan and Russia relating to South Manchuria and to North Manchuria, Mongolia and Western China, respectively, we have been proceeding upon the understanding that the reservations in question related only to such rights and interests as were based on treaties or conventions with China, from which it seems clear that the positions of our Governments are quite in harmony in this matter, as to which, moreover, I understand that the British Government takes precisely the same view.

I am [etc.]

HUNTINGTON WILSON.

File No. 793.94/175.

Memorandum of a conversation between the Acting Secretary of State and the Japanese Ambassador.

DEPARTMENT OF STATE,
Washington, May 16, 1912.

The Japanese Ambassador said that he was ordered by his Government to explain to us that, in view of Russia's reservation of rights in relation to Northern Manchuria, Mongolia and Western China, the Japanese Government had felt that silence might be misconstrued and that therefore Japan must make reservation as to eastern Inner Mongolia (bordering on Southern Manchuria) in which quarter Japan was naturally interested.

I replied that this Government would take due note of the fact that Japan desires thus to extend the reservation previously made in correspondence here and in the European capitals wherein, with regard to both Japanese and Russian reservations, this Government had been quite willing to acquiesce, on the understanding of course that the rights and interests referred to were those covered by treaty or convention.

File No. 893.51/931.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 10, 1912.

According to information privately received by the Department, the bankers' negotiations in connection with the Chinese loan may be delayed indefinitely or even disrupted by the insistence of the Japanese and Russian financial agents upon recognition in the bankers' agreement of the political rights of Japan and Russia in Mongolia, Manchuria and elsewhere. The attitude of these representatives is taken in pursuance of instructions from their Governments.

The position of the Government of the United States in regard to these political questions is that they should be the subject of an understanding between the Governments concerned rather than between the bankers, although the bankers would doubtless be expected to subscribe to the agreement reached by the powers. The Department understands that this position is also that of the Governments of France and Great Britain.

This question you may promptly and confidentially discuss with the Foreign Office, in order to see if the Foreign Office can do something toward reaching an understanding about it with the Governments of Japan and Russia, if possible before the next session of the bankers' conference on June 15.

KNOX.

File No. 893.51/932.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
London, June 10, 1912.

Regarding the declaration of the special rights of Japan and Russia in Mongolia and Manchuria, Langley says the British Government will admit such rights but will at the same time affirm the principle of the open door.

REID.

File No. 893.51/949.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, June 17, 1912.

The German Government is strongly of the opinion that there must be no deviation from the attitude assumed toward Russia and Japan; that is to say, we can recognize in them only such special rights and privileges in Mongolia and Manchuria as they may have acquired by formal treaties or conventions with the old Chinese Government.

LEISHMAN.

File No. 893.002/20.

The President of the Council of Ministers to the Secretary of State.

[Telegram.—Translation.]

PEKING (received July 7, 1912).

In announcing to your excellency my appointment to be President of the Council of Ministers, I desire to assure you that my efforts still tend to maintain and draw even closer the relations of friendship between our two countries. At the same time I permit myself to express the hope that the United States will recognize without delay the Chinese Republic.

LOU TSENG TSIANG.

File No. 893.002/20.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 9, 1912.

In response to the courtesy of his telegram of July 7 announcing his appointment as President of the Council of Ministers, you will convey informally to Mr. Lou my thanks, and beg his acceptance of my personal felicitation and high appreciation of his friendly sentiments.

KNOX.

File No. 893.00/1383b.

The Secretary of State to the American Ambassadors to France, Germany, Great Britain, Italy, Japan, Russia, and Austria.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 20, 1912.

Confidential memorandum. The powers are in full accord, the American Government believes, in the view that a stable central government is the first desideratum in China and that formal recognition by the powers, when granted, would go far to confirm the stability of the established government.

The Provisional Government appears now to be generally in possession of the administrative machinery, to be maintaining order, and to be exercising its functions with the acquiescence of the people. The situation accordingly seems to resolve itself to the question whether there are any substantial reasons why recognition should longer be withheld.

Would the Government of (insert name of country) now be disposed to consider whether the present Chinese Government may not be regarded as so far substantially conforming to the accepted standards of international law as to merit formal recognition?

In handing the foregoing textually to the Minister for Foreign Affairs of the Government to which you are accredited you may in strict confidence intimate that in this country public opinion is such that a strong demand for early recognition will probably be made through the Congress in case of undue delay of Executive action.

KNOX.

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[1] Sent also to Peking "for the Legation's confidential information only."

File No. 893.00/1384.

The American Ambassador to Japan to the Secretary of State.

[Telegram.—Summary.]

AMERICAN EMBASSY,
Tokio, July 22, 1912.

This telegram acknowledges receipt of the Department's instructions of July 20 and says that the Minister for Foreign Affairs promises to give the matter careful consideration.

File No. 893.00/1391.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, July 23, 1912.

At the Foreign Office, upon my presentation of the communication contained in your July 20, I was informed that the German Government does not believe this is an opportune time for recognition of the Republic, in view of the failure of the party in power to establish a more effective and permanent central government; recognition at this time would be of little benefit to the Chinese nation and might be misunderstood and misconstrued by the other powers, who have repeatedly indicated their unwillingness to recognize the existing Government until it has fully demonstrated its permanency and control.

LEISHMAN.

File No. 893.00/1396.

The American Ambassador to France to the Secretary of State.

[Telegram.—Summary.]

AMERICAN EMBASSY,
Paris, July 25, 1912.

This telegram acknowledges the instructions and memorandum of July 20, and says that the Minister for Foreign Affairs wishes to telegraph to the French Minister at Peking before replying, and also to consult with the other powers.

HERRICK.

File No. 893.00/1397.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Summary.]

AMERICAN EMBASSY,
St. Petersburg, July 26, 1912.

In the absence of the Prime Minister and the Minister for Foreign Affairs, Nératoff, Acting Minister for Foreign Affairs, would give no immediate answer but promised one soon.

GUILD.

File No. 893.00/1399.

The American Chargé d'Affaires at Vienna to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Vienna, July 27, 1912.

On presentation of the memorandum communicated in the telegram of July 20, Count Berchtold informed me that the Austro-Hungarian Government does not feel the time has arrived for recognition of the Chinese Republic in view of the unstable conditions existing. Moreover, the Austro-Hungarian Government, apart from this point, does not consider that an agreement between the powers could at present be reached.

GREW.

File No. 893.00/1403.

The American Ambassador to France to the Secretary of State.

[Telegram.—Summary.]

AMERICAN EMBASSY,
Paris, July 31, 1912.

I have just received a note verbale from the Minister for Foreign Affairs dated July 29, of which the following is a translation:

Summary of translation: The Minister acknowledges the Ambassador's note verbale of July 24 in regard to recognition of the Chinese Government. The French Government considers that under existing circumstances the conditions for recognition seem far from fulfilled. Until the Provisional Government shall have been succeeded by a regularly constituted parliamentary régime, according to the properly expressed desire of the people, and until such new and well-established government shall have given formal guaranty of treaty stipulations and rights of foreigners in China, the French Government does not consider that the question of recognition of the Chinese Government can be advantageously advanced.

HERRICK.

File No. 893.00/1406.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Summary.]

AMERICAN EMBASSY,
St. Petersburg, August 3, 1912.

I have today received the following aide-mémoire:

Summary of the aide-mémoire: The Ministry for Foreign Affairs acknowledges the embassy's aide-mémoire of July 30 relating to recognition of the Chinese Republican Government. This Government is only provisional; the period for which it was elected soon expires; under its administration the conditions in China seem not to have sensibly improved; the Russian Government believes that none of the powers who have sent troops to China is thinking of recalling them. Consequently the Russian Government believes that it would be prudent to postpone formal recognition of the Chinese Republic until that Government, having been definitely established, shall have given sufficient proofs to judge of its stability.

GUILD.

File No. 893.00/1447.

The American Minister to the Secretary of State.

[Extract.]

No. 612.] AMERICAN LEGATION,
Peking, August 3, 1912.

SIR: Referring to your telegram [of July 20] repeated from Tokyo July 22, I have the honor to report that on July 26 I received a call from Mr. Ijuin, the Japanese Minister. He said his Government had informed him of your inquiry or suggestion concerning recognition of the Chinese Republic, presented to his Foreign Office in Tokyo through the American Ambassador. He said his Government had asked for his opinion on the subject but before replying he called to confer with me and to learn my opinion. I replied substantially as follows:

I suppose the basis for recognition is the existence of a government which has the appearance of stability or offers reasonable assurance of permanence. There may be reason to doubt whether or not the present Government in China gives evidence of such right to recognition; I had some doubt on the subject myself. But after careful consideration of the situation, I am now of the opinion that the present Government affords reasonable assurance that, if not permanent, it will at least last an indefinite time. * * * For these and other reasons I am in favor of immediate recognition and think that it will be both a friendly and helpful act on the part of the powers to give it. * * *

The Japanese Minister said that he was of my opinion, or, rather, he agreed with me upon the whole, but with him it is largely a question of the proper time. He is afraid that recognition at this time will serve to influence the ambition, increase the arrogance and add to the excitement of the young fledglings now in the Government and in the National Assembly. It is now very hard to deal with them and recognition would make it still harder.

I replied that at present, as a result of the recent Cabinet resignations, very few of the class to whom he referred are in the Government. * * * Now that they are out of the Cabinet and their places filled with men who are more closely identified with Yuan, the latter will be entitled to credit for recognition and will be made that much stronger in his position, especially in the eyes of his own people.

Mr. Ijuin seemed to accept my estimate of the situation as correct and left leaving the impression on my mind that he would report to his Government in favor of recognition.

The next day however, Mr. Midzuno, the First Secretary of the Japanese Legation, also called to see me. * * * He thinks there is a probability of considerable feeling and conflict at the coming election, and the result may be destructive of all our hopes for peace and order.

I told him I had thought of that phase of the situation. I had however made inquiry among the best informed Chinese I knew, and they all seemed to think the election will not develop any serious trouble and that Yuan is reasonably sure to be reelected.

But Mr. Midzuno was not convinced. He thinks there are enough clouds in the political sky to suggest a storm of some kind.

The day following Mr. Krupensky, the Russian Minister, also called and he brought up the same question. He was quite pessimistic in his view of future possibilities. He said he thought his Government will reply that the time for recognition has not arrived. I did not argue the question with him. * * *

I have not seen or talked with the other ministers on the subject. They are nearly all out of the city on vacations. * * *

I have [etc.]

W. J. Calhoun.

File No. 893.00/1413.

The American Ambassador to Italy to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Rome, August 9, 1912.

The Foreign Minister says that while conditions in the Chinese Republic remain precarious and provisional, formal recognition would be premature. It is the duty of the Powers to make sure that the Government can effectively assume obligations. The Italian Government will therefore wait and observe.

O'Brien.

File No. 893.00/1414.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
London, August 10, 1912.

I have just received the Foreign Office memorandum, dated August 9, as follows:

> His Majesty's Government regret that reports that they have received do not corroborate the statements contained in your July 20 as to an improvement in the conditions in China or to the exercise of general administrative control by the Provisional Government. On the contrary, the President, Yuan Shih Kai, himself admits that the Central Government are unable to enforce the observance of treaty obligations in certain provinces of China. Further, His Majesty's Government have no reason to believe that recognition would add permanently to the stability of the existing administration.

Reid.

File No. 893.00/1420.

The American Ambassador to Japan to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Tokyo, August 15, 1912.

In a memorandum received today the Japanese Government, replying to the memorandum contained in your July 20, state that they do not consider the existing Provisional Government of China organized in sufficient conformity with the requirements of international law to merit recognition. They think it would be unwise and harmful from every point of view to regard the existing régime otherwise than as provisional. But they favor the recognition of a stable and efficient government in China at the earliest possible moment.

Bryan.

File No. 893.00/1435.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Legation,
Peking, August 31, 1912.

From the Foreign Office I learn that on the 17th instant the British minister presented a memorandum that recognizes China's suzeranity, not sovereignty, over Tibet; objects to Chinese action during the last three years in interfering in the internal affairs of Tibet; declares this interference to be opposed to the spirit of the 1906 treaty, which demands joint action by Great Britain and China; and declares that until China agrees to these demands the British Government can not recognize the Republic and will forbid the entrance of Chinese into Tibet via India.

Calhoun.

File No. 893.00/1447.

The Secretary of State to the American Minister.

[Extract.]

Department of State,
No. 283.] *Washington, September 20, 1912.*

Sir: The Department has received and read with interest your dispatch No. 612 of August 3 last, reporting an interview with the Japanese Minister with regard to the recognition of the Chinese Republic. What you said to Mr. Ijuin on this subject is approved by the Department.

In this connection, however, it is the Department's opinion that it would be more in accordance with established precedents to defer recognition of the Chinese Republic until a permanent constitution shall have been definitely adopted by a representative national assembly, a president duly elected in accordance with the provisions of such constitution, and the present Provisional Government replaced by a permanent one with constitutional authority. * * *

I am [etc.],

Huntington Wilson.

Note.—The principle of concerted international action in China previously announced by the Department of State is reaffirmed in a note to the Ambassador of Great Britain, dated October 4, 1912. As this note is directly concerned with the matter of the international loan it is printed under that head.

See also the Message of the President at the beginning of this volume, page XXIV.

CHINESE LOAN NEGOTIATIONS. CONCLUSION OF THE HUKUANG RAILWAY LOAN. CORRESPONDENCE CONCERNING PROPOSED CURRENCY REFORM, INDUSTRIAL DEVELOPMENT, AND REORGANIZATION LOANS. CURRENT-EXPENSE ADVANCES.

HUKUANG RAILWAY LOAN.[1]

Note.—In 1903 the Chinese Government promised the British Government that if Chinese capital should prove insufficient for building a proposed railroad from Hankow to Szechuen, British capital would be invited to participate. In 1904 a promise was made that if foreign capital should be needed, Americans and British should have the preference. Reference to this promise was made by China in replying to French capitalists who requested the concession. The British and French then arranged to discuss the loan, and the British Government inquired concerning American capital. No action was taken by the Americans and a British-French syndicate was formed, provision being made for admission of Belgian and American capital. (For. Rel. 1909, pp. 146-147, 156.)

In 1905 the British Government invited American participation but no action was taken (id. 147-148). Subsequently the British and French admitted a group of German bankers to the negotiations, which took definite form in May, 1909, in a draft agreement with the Chinese Government. On June 2, 1909, the British Government, and on June 5 the Chinese Government, were reminded by the United States of the agreement of 1904, and notified that the United States had taken no action that could be construed as a relinquishment of the right of American capital to participate (id. 145 and 148).

The British-French-German agreement with China was initialed on June 6, 1909, at Peking, for a loan of £5,500,000, subject to approval by Imperial edict (id. 148-149; 152-153). In the ensuing correspondence the British Government concurred in the American view that in international law one of two joint concessionaires has no power to fix the time when the right of the other to its share in a concession shall lapse through nonuser (id. 167), and the discussion of bases for American participation went on until May 23-24, 1910, when a supplementary agreement including American capital was drafted. (For. Rel. 1910, pp. 280-282.) Ancillary propositions concerning engineering rights and division of mileage then occupied the correspondence, into which entered in October, 1910, certain objections of the Chinese Government to the terms of the agreement, whereupon the American Minister was instructed, October 7, 1910, not to participate in forcing the loan upon China, but to continue to use his good offices to bring about an amicable adjustment at an early date (id. 291).

On March 11, 1911, the American Minister reported that after many conferences of the bankers with the Chinese authorities, it had been agreed that the Hu Kuang loan agreement should be amended to omit the branch line from Ching-men-chou to Han-yang. On March 15 the Department of State approved the amendment. (File Nos. 893.51/332 and 345.)

Postponement of the negotiations was caused by political agitation in China against the loan, which was allayed by conceding to the Chinese the right to deposit half of the proceeds of the loan during construction of the railways with the Chiaotung and Ta Ching Government Banks, sufficient amounts for one month's estimate to be transferred to the European banks as required. (File Nos. 893.51/386 and 398.)

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[1] Continued from For. Rel. 1910, p. 291.

Further changes were agreed to in regard to the railway system: The section from Ichang to the Szechuan border was included, and the Kuangtung and Szechuan sections excluded for domestic political reasons; the bankers were given the preference on equal terms in case of further loans for those sections, and provision was made for an additional loan of £4,000,000 if necessary. (File No. 893.51/428.) Thus amended the contract was signed May 20, 1911. (File No. 893.51/438 and (text) 498), and on June 10, 1911, the foreign office authorized the Chinese minister to certify the prospectus. (File No. 893.51/477.)

CURRENCY REFORM AND INDUSTRIAL DEVELOPMENT LOANS.

NOTE.—On October 8, 1903, a treaty was concluded between the United States and China,[1] Article XIII of which provides as follows: " China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by the citizens of the United States as well as Chinese subjects. It is understood, however, that all customs duties shall continue to be calculated and paid on the basis of the Haikuan Tael."

On August 11, 1908, his excellency Tang Shao Yi, special ambassador to the United States, proposed to the Secretary of State the flotation of a loan for public works in Manchuria. On November 8, 1908, while this was under consideration, the viceroy of Manchuria concluded a loan with the Hongkong & Shanghai Banking Corporation and its French and German colleagues for $1,100,000.

In December, 1908, Tang Shao Yi proposed to the Secretary of State that China, through American capitalists, float a large loan for meeting the expenses incident to currency reform and the abolition of likin. The proposal was laid before Messrs. Kuhn, Loeb & Co., who accepted it. The Chinese Government did not, however, find itself ready immediately to begin negotiations.

On July 6, 1909, the British, French and German bankers signed certain agreements in London providing that if one of the parties thereto undertook negotiations with China under conditions that rendered impossible the admission of the other parties either to joint negotiation or joint signature, the party undertaking the business could negotiate and sign alone, making provision in the loan agreement for enabling the other parties to join in issuing the bonds although not signatories of the agreement itself.

On May 24, 1910, the British, French and German banking groups, in conference at Paris, invited the American group to enter into a quadruple understanding regarding loans to China.

On May 24, 1910, the Chinese Government issued an edict establishing a uniform monetary standard on the basis of the Mexican silver dollar. A supplementary edict centralized the banking privilege of issuing notes, and closed the provincial mints. (File No. 2112/117.)

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[1] For. Rel. 1903, p. 98.

After interviews on this subject between the Chinese Minister and the Secretary of State the following correspondence began. The Manchurian or "Industrial Development" loan enters with the American Minister's telegram of October 2, 1910. The combined currency-reform and industrial-development loan agreement appears on April 27, 1911. The beginning of the correspondence relating to inclusion of Japanese and Russian groups begins May 11, 1911. The revolution complicates the situation beginning with the Minister's telegram of November 17, 1911, and introducing the question of advances for current administrative expenses. Early references to the reorganization loan begin March 12, 1912.

File No. 893.51/131a.]

The Acting Secretary of State to the Chinese Minister.

[Aide mémoire.]

The American Government is glad to learn that China has under consideration the adoption of a new currency system, uniform for the whole Empire, in fulfillment of the engagement made in Article XIII of the Commercial Treaty of 1903 between the United States and China, and that the Chinese Minister to the United States is preparing a memorial to his Government recommending the establishment of the new system upon a gold exchange basis, and is about to telegraph the Wai-wu Pu urging immediate attention to the matter as likely to pave the way for a revision of the import tariff.

Since some of the powers have manifested a disposition to make their consent to a discussion of tariff revision contingent upon the inauguration of certain reforms provided for in recent commercial treaties, it is believed that the introduction of a satisfactory currency system will place China in a very advantageous position in respect to the proposal to increase the import duties. It is hoped, therefore, that the Minister will carry out his reported intention to send such a telegram. The telegram ought also to state clearly that such action to be effective should be taken without delay and that in order to reassure the powers interested it will be necessary to employ a foreign monetary expert and that such expert ought to be engaged before China proceeds so far with its plans as to make revision difficult in case the expert should recommend a revision of the plans.

DEPARTMENT OF STATE,
Washington, June 13, 1910.

File No. 893.51/122.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Peking, September 22, 1910.

By order of the Board of Finance and with the approval of the Prince Regent, the Vice President of the Board of Communications, Sheng, has just called upon me to ask if American bankers would be willing to undertake a loan of about fifty million taels in order to elaborate the currency reform. Such a loan would be secured on unpledged customs and likin, amounting to between five and six million taels annually. Sheng asked if our banking interests could not send some one here, as he intended to give Americans the preference. He further said that he expected to negotiate with us, at some future time, a conversion of all outstanding small loans. Sheng requests a prompt answer as to the attitude of our financiers, and due weight should be attached to his words as he has been called to Peking for the express purpose of directing the currency reform.

CALHOUN.

File No. 893.51/122.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.—Extract.]

DEPARTMENT OF STATE,
Washington, September 29, 1910.

You may inform the Chinese Government that the Morgan syndicate state that they will undertake the loan and the Department hopes the arrangements can soon be made.

KNOX.

File 893.51/134.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Peking, October 2, 1910.

Duke Tsai-tse and Sheng Kung Pao suggest that if our bankers are willing to undertake a currency loan of 50,000,000 gold dollars, the Manchurian loan[1] of 20,000,000 taels should be included therein, as they do not want an Imperial loan for Manchuria to be treated differently from one for the rest of China. The guaranties will be one half in Manchuria and one half in China, embracing unpledged customs and likin. This, it was declared, was ample security, and China was, further, free to dispose of the recent increase in customs receipts resulting from the increased volume of trade; but I doubt that the treaty powers will share this view.

The Chinese Government desires to negotiate this loan entirely with us, and I was told that it had not yet been offered to anyone else. We shall however be at liberty to offer the bonds in other markets.

The request for a financial expert was repeated, and it was urged that he come with all possible speed, for fear that other powers hear of these negotiations and impede them. It was further stated that if we make this loan an American would be appointed as financial adviser, in a purely consultative capacity, to assist the currency reform, having nothing to do with the loan negotiations.

CALHOUN.

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[1] This is later referred to as the "Industrial Development Loan."

File No. 893.51/142.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.—Extract.]

Department of State,
Washington, October 6, 1910.

Yesterday the group read the substance of your telegram of October 2 and their formal reply has been received, saying that they are pleased to undertake the loan and ready to discuss the details of the agreement and the guaranties and their apportionment between China proper and Manchuria; and that they are prepared to send to Peking a financier of experience to conduct the negotiations.

In view of this acceptance of the Imperial Government's latest proposition the Department and the group assume that all negotiations for a separate Manchurian loan will be abandoned and the Viceroy of Manchuria so instructed at once.

You will communicate the foregoing to the Chinese authorities concerned, immediately and in writing, and obtain an acknowledgment.

Adee.

File No. 893.51/168.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

American Legation,
Peking, October 27, 1910.

Currency loan. The preliminary agreement signed today. The Imperial edict and the confirmation by the Foreign Office will come in a few days. The Duke says the group may have as many associates as they please but that he will sign the final agreement with the Americans alone and will expect them to hold a majority of the bonds in order to control the issue.

Calhoun.

File No. 893.51/175b.

The Acting Secretary of State to the American Ambassador to France.[1]

[Telegram.—Paraphrase.—Extract.]

Department of State,
Washington, October 31, 1910.

The competent Chinese authorities have now signed and ratified a preliminary agreement with an American financial group for a loan of $50,000,000 gold, the principal part of which is to be used to reform China's currency system, in pursuance of her treaty obligations toward the United States, Great Britain and Japan. This Government believes the proposed reform to be of fundamental importance to all the powers who have extensive commercial relations with China as well as to China herself and the countries that have treaty provisions relating thereto. In its endeavor to cause this reform to be carried out, this Government will welcome the cordial support of the interested powers.

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[1] The same to the Embassies at London, Berlin, St. Petersburg and Tokyo.

You may informally make the foregoing known to the Government to which you are accredited.

ADEE.

NOTE.—On October 31, 1910, the French and German bankers insisted on amending the agreements of July 6, 1909, so as to require joint signature of the final loan agreement with China by all four groups. The British and American groups consented to such amendments at a conference in London, November 8–10, 1910, the American group obtaining, however, an exception of the currency loan agreement if the Chinese Government would not consent to the admission of the other groups as signatories. A quadruple agreement was thereupon signed, providing for joint action in carrying Chinese loans.

File No. 893.51/288.]

The Secretary of State to the Special Envoy of China.

[Extract.]

DEPARTMENT OF STATE,
Washington, January 18, 1911.

MY DEAR MR. LIANG: Herewith I send you some notes on the course of the loan negotiations now pending at Peking. I quite understand that you are not charged with this important business, but since we have informally discussed it I naturally feel entirely unwilling that your excellency should remain under certain misapprehensions which have not unnaturally arisen in your mind because of the fact that you have been isolated from these negotiations which have been passing through so many stages at Peking. * * *

I am [etc.]

P. C. KNOX.

[Inclosure —Extract.]

Notes on the course of the loan negotiations now pending at Peking.

The Department of State learned last spring from the Chinese Minister in Washington and from the American Legation at Peking that China had decided to adopt a uniform currency for the whole Empire in fulfillment of pledges given to the United States in the treaty of 1903. The Chinese Minister informed the Department that he was preparing a memorial upon the subject, and on June 14, 1910, he called at the Department to talk the matter over. The Assistant Secretary of State handed the Minister an aide-mémoire expressing the pleasure of the Department in learning that China was about to undertake this important reform and suggested that to reassure the powers interested it would be well to employ a foreign monetary expert to assist in formulating the plans, but distinctly disclaimed any desire to force an American adviser upon China. This was two months before the American Government learned that a loan was in contemplation by China for purposes of currency reform. The loan was solicited by China, whose request that American bankers be asked to make it in the amount of 50,000,000 taels was communicated to the Department of State on August 17, 1910, by the American Minister at Peking, who at the same time reported that his excellency Na-t'ung, by direction of the Prince Regent, had informed him that China proposed to take immediate steps for currency reform, make a large national loan, and engage a financial adviser who should be an American selected by the Chinese Ministry of Finance. On September 3 the Minister again called upon his excellency Na-t'ung with regard to the proposed loan of 20,000,000 taels for Manchuria, and was told by Na-t'ung that a loan for that amount for a bank and colonization purposes had been proposed and was likely to be sanctioned, and would be negotiated with the American group, who, however, would be asked to admit to participation the capital of other nations, notably British and German. On October 2, 1910, the Chinese Government, through the American Minister, requested that if American bankers were willing to make the loan they increase the amount from 50,000,000 taels to $50,000,000, in order to include the above proposed loan of 20,000,000 taels for Manchuria. The Chinese Government again voluntarily promised that if the loan were made in the United States an American would be appointed as financial adviser to assist in the currency reform. The American bankers agreed to undertake the business of floating the loan for 50,000,000 taels, and subsequently agreed to increase it to $50,000,000, so as to include the desired 20,000,000 taels for Manchurian development.

Before the preliminary agreement for the loan was signed the American bankers, through the Department of State, informed the Chinese Government that their representative was authorized to sign " with the full understanding that the group must have an absolutely free hand in marketing the bonds and in associating with it such European interests in the final agreement as it might desire." To this Duke Tse replied that " the group might have as many associates as they pleased, but that he would sign the final agreement with Americans only and expect them to hold the majority of the bonds." The Chinese Government could hardly have been surprised, therefore, had it found bankers of other nations participating in the loan as reported in the memorandum,[1] but as a matter of fact no capitalists of other nationality than American are participating; the agreement to which the memorandum evidently refers[2] expressly provides for China's consent to such participation, and the American Government is not without hope that this consent will be given. In the negotiations to secure for American financiers participation in the Hukuang loan, and in the proposals for the neutralization of the Manchurian railways. the aim of American policy has been to secure a sympathetic and practical cooperation of the great powers in maintaining the political integrity of China by making it to the interest of each to support such a policy. Where the nations invest their capital, there they are intent on preserving peace and promoting the development of natural resources and the prosperity of the people.

For this reason the American Government has looked with favor upon the desire of the American bankers to obtain China's consent to a participation by the capitalists of other nations in the proposed loan for currency reform. Moreover, the success of this reform will depend in a large measure upon the sympathetic cooperation of the great powers. With any number of these powers hostile or indifferent to the proposed reform it is doubtful that China can accomplish it.

What the American Government has to suggest, therefore, is that China shall cooperate with it in its efforts to interest the other powers in the success of this needed reform. The importance of this reform, however, in the view of the American Government, is secondary to that of fiscal reform.

To carry out the numerous reforms that China has undertaken it is necessary to secure a great increase of revenue, and with this end in view the American Government has steadily supported China in its desire to secure a revision of the tariff; but in its earnest endeavors, especially in the past two years, to secure the consent of other interested powers to a revision of the Chinese tariff this Government found that such other powers were inclined to make their consent to the discussion of such a revision contingent upon the prior inauguration by China of certain other reforms pledged by treaty, of which the currency reform was the chief.

The active interest of the United States, therefore, in the recent request of the Chinese Government for its assistance in securing funds for currency reform was inspired not so much by the importance, though great, of the proposed reform in itself as by the fact that such reform was a step to the greater end. It is obvious that China cannot reach the ultimate goal of tariff revision without the concurrence of the treaty powers, and it is with regret that the American Government notes that China seems disposed to oppose the only practicable measures which have been proposed to secure that sympathetic cooperation of the powers which will give security to China and promote the ends which it has in view.

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[1] Not printed.

[2] See note, p. 92.

NOTE.—On February 11, 1911, the American Minister notified the Department of State of the willingness of the Chinese Government to have quadruple signatories, and a financial adviser; the adviser to be an American if unanimous consent was given, otherwise to be of neutral nationality, Dutch preferred. (File No. 893.51/299.) The following note verbale was then directed to the interested powers.

File No. 893.51/305.

The Department of State to the British Embassy.[1]

[Note verbale.]

On the general principle that China should not disregard its international undertakings, this Government has insisted upon the carrying out by the Chinese Government of its promise to ask the United States to nominate a financial adviser.

In urging the Chinese Government to consent to the joint signature of the pending currency loan by the four financial groups, the United States attaches importance most of all to the firm establishment thereby of the principle of present and future cooperation between the four interested Governments.

It regards as also of great importance such provision for the adequate control of expenditures under the pending or any future loans to China.

In regard to China's promise to ask the United States to nominate a financial adviser, who should be an American, this Government wishes it to be understood that when the Chinese Government shall have carried out its undertaking as to the adviser, and when the four Governments shall be agreed as to cooperation and control as above indicated, then should objection be expressed by the tripartite Governments to the selection of an American for that post, and should that objection not be met by some understanding as to similar appointments in connection with future loans, the American Government would be disposed to consult with the three other interested Governments and appoint an adviser of some nationality which is not interested in loans to China.

An early agreement in principle between the quadripartite Governments with respect to these questions of the adviser and of control of loans to China is believed by the American Government to be highly desirable for the speedy closing of the pending loan negotiations.

DEPARTMENT OF STATE,
Washington, February 24, 1911.

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[1] The same, mutatis mutandis, to the embassies of France and Germany.

NOTE.—The other interested Governments accepted the suggestions contained in the foregoing note verbale and on April 13, 1911, the contract (or agreement, as it is also called) for the Currency Reform and Industrial Development Loan was initialed; on the 15th it was signed and the edict of authorization was issued the same day. (File No. 893.51/384.) The complete text of this contract or agreement was inclosed with the following despatch from the American Minister; a summary of it here follows the despatch.

File 893.51/470.]

The American Minister to the Secretary of State.

[Extract.]

No. 230.]

AMERICAN LEGATION,
Peking, April 27, 1911.

SIR: I have the honor to inclose herewith a copy in duplicate of the loan agreement for national currency reform and industrial development in Manchuria, which was signed on the 15th instant by the local representatives of the quadruple banks, on the one part, and Duke Tsai-tse, President of the Board of Finance, on the other. * * *

I have [etc.]

W. J. CALHOUN.

[Inclosure.—Summary.]

Currency Reform and Industrial Development Loan Agreement of April 15, 1911, between the Chinese Government and the quadruple group of bankers.

In pursuance of the tripartite group's preliminary agreement of October 27, 1910, and the supplementary agreement admitting the American bankers, the Chinese Government agreed on April 15, 1911, with the resultant quadruple group:

To authorize the banks to issue what should be called the "Imperial Chinese Government Five-per-cent Currency-reform and Industrial-development Sinking-fund Gold Loan of 1911," the proceeds to be used for Chinese currency reform and industrial development in Manchuria.

The loan to be a direct charge or liability of the Chinese Government; all advances, interest, and repayments of principal to be a first charge on the following revenues to the annual amount mentioned in Kuping taels (a) Tobacco and spirits in Manchuria, 1,000,000; (b) production tax in Manchuria, 700,000; (c) consumption tax in Manchuria, 800,000; (d) newly added surtax on salt in all China, 2,500,000; total revenues pledged, 5,000,000 taels per annum, all free from other incumbrances; if these prove insufficient China to supply the deficit from other sources.

The revenues not to be interfered with as long as payments are regularly made, but upon default sufficient revenues to satisfy it to be transferred to and administered by the Maritime Customs for the account of the bondholders.

On the date of signing the agreement the Chinese Board of Finance to hand to the banks: (a) "The Regulations for the Unification of the Currency on a Silver Basis" authorized by Imperial edict and otherwise known as "the program of currency reform"; (b) a statement showing in what amounts the proceeds of the loan are to be applied to the various expenditures incident to the operation of said program; (c) a statement specifying the nature of the proposed enterprises in Manchuria and showing in what amounts the allotted portion of the proceeds of the loan is to be applied thereto.

The banks to have six months to study the regulations and statements and to plan all matters pertaining to them; upon acceptance thereof as the bases for the bonds, said acceptance to be conveyed to the Board of Finance and the bonds to be issued as soon as possible.

The price to the Chinese Government to be 95% of the face of the bonds, that Government to be the preferred applicant; subscriptions to be next invited on equal terms in China, the United States, and Europe.

An advance of £1,000,000 for industrial developments in Manchuria to be made, if desired, upon execution of the agreement and satisfaction given the bankers as to the nature of such industrial developments. A further sum of £1,000,000 for the preliminary expenses of currency reform to be held by the banks in America and Europe at the disposal of China.

The rate of interest for the loan to be five per cent, payable semiannually.

The term of the loan to be 45 years; repayment to begin with the eleventh year by yearly amortization in half-yearly payments.

Article 16 provides that if China should desire to borrow in foreign parts, in addition to this loan, funds for continuing or completing the operations contemplated in the agreement, the banks are to be the first to be invited to furnish such funds; but if China and the banks fail to agree on the terms, other financial groups may be invited.

File No. 893.51/415.

The Secretary of State of the American Ambassador to Japan.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 11, 1911.

Referring to Department's April 29,[1] in which it was stated that the question of Japanese participation finally rests with the financial groups, it may be added that in case Japan should apply for participation on an equal footing with others not now parties to the London agreement of April 15, the Department would be prepared to support such an application.

KNOX.

File No. 893.51/416.

The American Ambassador to Japan to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Tokyo, May 13, 1911.

The Minister for Foreign Affairs today inquired whether participation if granted would place Japan in a position superior to an ordinary bondholder. He said that Japan is greatly concerned in the Chinese currency reform, especially as to the purposes of the Manchurian allotment.

O'BRIEN.

File No. 893.51/418.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, May 13, 1911.

The Acting Minister for Foreign Affairs told me today that the Russian and Japanese Governments are exchanging views on the currency loan to China which might result in presenting observations relating to the use of the loan and the guaranty for it insofar as they related to China.

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[1] Not printed.

ROCKHILL.

File No. 893.51/427.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, May 18, 1911.

The French are reported to be holding back advances for Manchuria because of Russian pressure.

CALHOUN.

File No. 893.51/437.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 22, 1911.

The Department is unable to see any reasonable objection to Manchuria allotment for specific industrial purposes.

KNOX.

File No. 893.51/448.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, May 24, 1911.

The French delay, which ended yesterday, was due, according to the foreign office, to consideration for some Russian apprehension about their recognized interests in Manchuria.

REID.

File No. 893.51/486.

The Secretary of State to the American Ambassador to Japan.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 24, 1911.

You may at your discretion make public a statement to the effect that the Governments having important commercial relations with China were early notified[1] of the general features of the currency loan and their support of the enterprise was invited. This notification and invitation included Japan and Russia. As the reform is one in which all the leading powers are alike interested, the United States has steadily favored the widest possible international participation both in the loan and in the reform. The financial details are, however, properly subject to the decision of the bankers concerned.

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[1] See telegram of Oct. 31, 1910, above, p. 91.

KNOX.

File No. 893.51/462.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Extract.]

AMERICAN EMBASSY,
London, May 31, 1911.

If a list can be given of proposed industrial enterprises in Manchuria, and these do not at all relate to railroads, Sir Edward Grey is confident there will be no further objection from either Japan or Russia. Neither objects to the currency reform portion of the loan.

REID.

File No. 893.51/462.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, June 1, 1911.

You may assure the Minister for Foreign Affairs that this Government has no objection whatever to Japan and Russia having copies of the loan agreement and accompanying statements explaining currency program and specifying Manchurian enterprises.

KNOX.

File No. 893.51/486.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, June 27, 1911.

I am informed that the French Chargé d'Affaires here has received a telegram from his Government today stating that the Russian and Japanese Embassies at Paris have protested against the sixteenth article of the currency-reform contract, and ask the French Government to seek a revision of this article by the Chinese.

HEINTZLEMAN.

File No. 893.51/487.

The American Ambassador to France to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Paris, June 28, 1911.

Acting Secretary for Foreign Affairs today confirmed protest of Japan and Russia against Article 16. French Foreign Office preparing memorandum recommending entire suppression of this article, because it relates only to future business, does not affect present loan, and would virtually create a monopoly.

BACON.

File No. 893.51/502.

Copy of the Note Verbale presented by the Japanese Government to the French Government on June 26, 1911.

[Handed to the Secretary of State by the Japanese Ambassador July 11, 1911.]

The Imperial Government have carefully examined the so-called four powers £10,000,000 loan agreement which China recently concluded with the international financial group banks. They have also at the same time had under attentive consideration the statement formulated regarding Manchurian enterprises to be set apart for exploitation and development under the loan agreement. The statement is unfortunately too general in terms to admit the final conclusion as to whether the enterprises which it signalizes are entirely consistent with the reserved rights and interests of Japan in Manchuria. But as far as it is possible to discover, those enterprises seem to be legitimate. Accordingly the Imperial Government are gratified to be able to declare that to the full extent such enterprises are reconcilable with the reserved rights and interests above mentioned. Due working of the enterprises in question will give rise to no objection or protest on the part of Japan, but a serious cause for objection is found in those provisions of the loan agreement by which are established in favor of the financial group which negotiated the loan preferential rights of the most comprehensive nature—financial, industrial and commercial.

Article 16 of the agreement not only provides in effect that the banks—i. e. the financial group mentioned above—shall have preference over all other foreign financial groups in the matter of supplying any additional funds required to continue or complete operations contemplated under the agreement, but it stipulates that "should the Imperial Chinese Government decide to invite foreign capitalists to participate with Chinese interests in Manchurian business contemplated under this loan or to be undertaken in connection therewith, the banks shall first be invited to so participate"; that is to say, in the whole of the three Manchurian provinces the four powers' financial group is accorded priority over all other foreigners and foreign institutions not only as regards enterprises contemplated by the agreement but in the matter of any other activities which may hereafter be associated with such enterprises. Preferential rights are frequently asserted in China as measures necessary to the full and complete enjoyment of duly acquired specific industrial concessions, but never before has an attempt been made to secure precedence as regards general, unenumerated enterprises and activities which have no relation to any such concession. Japan possesses in the region of southern Manchuria special rights and interests, and while she is fully prepared in the future as in the past to respect the rights of others, she is unable to view with indifference measures which tend not only to menace those special rights and interests but to place her subjects and institutions at a disadvantage as compared with the subjects and institutions of any other country. In the actual circumstances of the case the difficulties of the situation can be satisfactorily met only, it seems to the Imperial Government, either by entire suppression of Article 16 of the loan agreement or by a revision of that article in such a way as to deprive bank concessionaires of the objectionable preference which the article accorded them.

File No. 893.51/503.]

The Russian Chargé d'Affaires to the Secretary of State.

[Translation.]

No. 373.]

Imperial Russian Embassy,
Washington, July 11, 1911.

The information which has come to the Russian Government indicates that clause 16 of the contract agreed to by the Chinese Government and the Berlin syndicate of American, English, French, and German bankers for a loan of $50,000,000 includes an obligation on the part of the Chinese Government to address itself in the first instance to this syndicate for all subsequent loans destined for the development of Manchuria, and to ask its participation financially in the Chinese industrial enterprises in that region. Such a stipulation creates in favor of the syndicate mentioned a preferential position in Manchuria. It seems that the syndicate pretends to a monopoly of financial and industrial enterprises in the region in which Russia possesses important special interests. The Imperial Government has always respected the right belonging to the other nations in Manchuria, and for its part holds that there should be no disregard of its legitimate rights acquired in that country. Now, the project in question having a tendency to hinder the development of Russian interests in Manchuria by creating in favor of the syndicate an altogether exceptional position, the Imperial Government earnestly hopes that consideration will be given to the objections formulated above, and addresses itself to the Government of the United States with the request that it will not refuse to use its influence with a view to having clause 16 of the contract revoked.

Prince N. Koudacheff.

File No. 893.51/680.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, October 28, 1911.

A loan agreement with an Anglo-French-Belgian syndicate was signed yesterday by the Chinese Ministry of Finance for 150,000,000 francs; it is reported to be for ninety years at 96, with 4 per cent rebate, interest 6 per cent, to be converted to 5 per cent later. An advance is to be made within fourteen days, first issue in ninety days. Ratification by secret edict to-day is reported.

Williams.

File 893.51/630.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

Department of State,
Washington, November 1, 1911.

The Department has been informed by the American group that a loan such as reported in your telegram of October 28 would seriously affect the issue of the loan for currency reform already agreed upon and might seriously interfere with carrying out that reform as well as adversely affecting China's credit in future. You may informally request of the Chinese Government further details of any proposed loan.

Knox.

File No 893.00/672.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, November 17, 1911.

The immediate question confronting Yuan Shih Kai is money for current expenses. Brigandage is increasing throughout the country and business is suspended; the approach of winter increases the gravity of the situation. Local banking representatives of the four groups seem willing to make a loan if actively supported by their Governments. A further question arises as to whether the loan if made should include only the four groups or all foreign interests. And the delicate international question also enters as to who shall take the initiative. Please instruct.

Calhoun.

File No. 893.51/659.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, November 18, 1911.

Except in pursuance of some general plan of the powers interested to help China meet its international obligations and perform ordinary administrative and police functions, the Department does not consider it wise to make any loan at present. Any such assistance should be confined to short-term loans, designated to be for the immediate necessities of government, including the suppression of nonpolitical disorders, the service of the indemnity fund and other foreign engagements, but not for war purposes. The loans should be strictly neutral as between internal factions in China and should therefore receive the indorsement of the representatives of the various factions, and some form of supervision, such as a foreign trustee, should be devised to insure the proper use of the funds. Moreover, since such loans would primarily be for the protection of the common interests, they should be open to the nationals of all the powers having important relations with China, and the power or powers having the largest interests at stake might well take the initiative.

Knox.

File No. 893.00/745.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Legation,
Peking, December 6, 1911.

The Prince Regent has been induced by Yuan Shih Kai to resign. It is now believed that some agreement will be concluded with the revolutionists. But without financial assistance at this critical moment Yuan will not be able to hold his troops together and negotiations will fail.

The British, in behalf of the groups, some time ago opened negotiations with Yuan for a loan, but dropped them because the British Minister opposed. This evening however the Minister advised the manager of the Hongkong Bank to resume negotiations, promising the British Legation's support. The French Chargé d'Affaires has urged upon me the necessity for the loan. I have not seen the German Minister this evening, but his banking representative is in accord with other bankers. Groups' representatives are to-night telegraphing their principals for authority to advance Yuan 3,000,000 taels to tide him over the period of negotiation.

This, I believe, is the crisis of Yuan's attempt to restore order and he will fail unless supported, with nothing in sight but anarchy. I earnestly advise Department's support of this loan.

Calhoun.

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File No. 893.00/680.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, December 7, 1911.

With respect to Yuan Shih Kai, if it is so important, might not the 3,000,000 taels be obtained from native sources? In view of the fact that we have from the first, together with the other interested powers, consistently adhered to a policy of strict neutrality and non-intervention in the present internal disturbances in China, and in view of the probable danger to the persons, property and trade of our nationals throughout China, as well as of the possible international complications involved in a departure from that policy at this time, do you still adhere to your recommendation in your telegram of December 6? The Department has not yet received sufficient evidence to lead it to question the wisdom of the decision reached at the conference of the financial groups held at Paris on November 8 last, nor to alter the general position stated in the telegram to you of November 18.

Knox.

File No. 893.00/689a.

The Secretary of State to the German Ambassador.

The Department of State has received no information which would lead it to question the wisdom of the decision reached at the Paris conference of the financial groups on November 8, 1911, to the effect that "in view of the present uncertainty of the situation the groups are not disposed at present to entertain applications for financial assistance"; and further, that "it is to be distinctly understood that we are not in any sense opposed to making loans to a responsible Chinese government and will be prepared to enter upon negotiations as soon as our representatives in Peking are able to assure us that they are satisfied as to this point."

Should extraordinary necessities make it advisable to assist China with funds to meet its international obligations and to perform the ordinary administrative and police functions of government, the Department of State believes that such assistance should be in connection with some general plan by all the interested powers for the protection of the common interests in China.

While entertaining the above views the Department of State would welcome any further expression of opinion from the Imperial German Government, based upon the information it may have received.

Department of State,
Washington, December 7, 1911.

File No. 893.51/687.

The British Ambassador to the Secretary of State.

His Majesty's Principal Secretary of State for Foreign Affairs has reported by telegraph to the British Ambassador that he understands that negotiations are about to be undertaken at Hankow with the object of arriving at a solution of the present situation in China, but that the Chinese treasury being now completely exhausted, Sir Edward Grey fears that unless temporary financial assistance can be afforded to the Chinese Government there would be small prospect of a settlement following the present armistice. It is felt by His Majesty's Minister at Peking that he can no longer oppose an advance to the Chinese Government on condition that Yuan Shih Kai be informed before receiving any money that it must be made clear to the revolutionaries at Hankow and Shanghai that an advance is necessary in the interests of the negotiations and their acquiescence secured. Sir Edward Grey therefore hardly thinks that in these circumstances the powers concerned can maintain an opposition to the advance of a small sum by the four groups on the conditions laid down by the British Minister at Peking, and he would be prepared to notify the British group to that effect should the other Governments concerned concur. The Hongkong and Shanghai Bank, who have been approached through their Peking agent, are informing the other three groups that he is consulting the other three Governments as to the line of action to be adopted.

His Majesty's Ambassador has been instructed to inform the United States Government of the above facts and to report their views as soon as possible by telegraph.

British Embassy,
Washington, December 8, 1911.

File No. 893.51/695b.

The Acting Secretary of State to the British Ambassador.

Department of State,
Washington, December 11, 1911.

My Dear Mr. Ambassador: Certain general views of the Government of the United States upon the subject of loans to China in the present juncture were set forth in an aide-mémoire handed the German Ambassador on the 7th instant, and I have the honor now to inclose herewith a copy of that aide-mémoire.[1]

The Department of State would not, however, in the light of later reports from Peking, be inclined to oppose its nationals joining with others in the small loan referred to in your excellency's aide-mémoire of the 8th instant, upon the conditions laid down by the British Minister at Peking, more especially so if the views of the United States as to the broadly international character of such loans should meet with the approval of the other Governments concerned.

I am [etc.]

Huntington Wilson.

File No. 893.00/759.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Legation,
Peking, December 11, 1911.

I appreciate the desirability of neutrality, but neutrality cannot continue long if a settlement is not made in the near future. If a loan is made to Yuan the effect on the rebels might endanger foreigners in their territory, but the safety of foreigners cannot be assured long anyhow as the country is rapidly drifting into anarchy. If peace is not soon negotiated, the rebel soldiers will break up into bands of brigands and foreigners can then scarcely hope to escape attack. The only recognized government is in the single control of Yuan; he is apparently growing constantly stronger, but he is out of money and his Government may collapse at any moment. To secure money from private sources is impossible. This continued neutrality means to wait until conditions after Yuan's collapse have become so bad that armed intervention shall have become necessary; this in its turn might involve serious international complications and the peace of the world.

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[1] See p. 103.

The proposed loan to Yuan is to be used, not for active military operations, but for preserving the status quo during peace negotiations, under foreign supervision if required. If the loan is broadly international it may induce the rebels to submit to reasonable terms. I therefore adhere to my recommendation of December 6, 1911, with the following qualifications: America should not take the initiative; this should be taken by England, who has the largest interests here and whose relations with the interested powers justify her leadership. The British Minister, who at first directed his nationals to resume loan negotiations, has since seemed to vacillate and I am uncertain as to his policy. The German and the Belgian Ministers and French Chargé d'Affaires have advised their Governments that support of Yuan is necessary, but if England will not act the proposition must be abandoned.

CALHOUN.

File No. 893.51/692a.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1911.

This Government has informed the British and German Governments, in response to their inquiries, that it is not disposed to oppose a small loan at this time to China to pay current expenses until conclusion of peace negotiations, provided the loan be upon clearly understood conditions of neutrality such as proposed by the British authorities; it would be still more of this attitude if the loan were made broadly international. Furthermore such financial assistance should be in connection with some general plan by all interested powers for the protection of the common interests in China. At the present juncture the Department attaches special importance to the two above-stated principles.

KNOX.

File No. 893.51/691.

The Minister for Foreign Affairs of the Revolutionary Government to the Secretary of State.

[Telegram.]

SHANGHAI (undated; received *December 13, 1911*).

Your assistance is urgently requested to prevent misunderstanding arising in America and China by restraining financiers loaning funds to Manchus, which independent Provinces must regard as directed against them in their fight for liberty. The Manchu contention that the money is needed to maintain order in Peking is a ruse. Foreigners can increase legation guards or remove temporarily to Tientsin. The revolutionaries are giving the fullest protection to foreigners.

WU TING FANG.

File No. 893.51/703a.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1911.

A telegram signed by the Chinese Foreign Office and Ministry of Finance, left with the Department on the 14th by the Chinese Chargé d'Affaires, states that the treasury being depleted the situation is critical for both Chinese and foreigners, and instructs the Chargé d'Affaires to negotiate a loan of 2,000,000 pounds sterling with Salomon & Co., of New York, represented in China by Emil Fischer; as security the surplus earnings of the Peking-Kalgan railway is proposed, with the stipulation that 20 per cent be paid in advance, upon the signing of the agreement. The Chargé d'Affaires was further instructed to ask the assistance of the Secretary of State, and was told this morning that the Department could have nothing whatever to do with the proposition, with explanations of the controlling reasons for the present attitude of the United States regarding loans, and the request of the Chinese Government which he had just transmitted was cited to him with emphasis as evidence of the desirability of an early settlement of the situation at the coming conference.[1]

KNOX.

File No. 893.51/701.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, December 18, 1911.

DEAR MR. KNOX: There seems to be some difference of opinion among the representatives of the six powers at Peking regarding the desirability of making the loan proposed to Yuan Shih Kai unless the revolutionaries agree, which it seems they will not do, and my Government would like to know your view of the position before a final decision is reached.

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[1] At Shanghai, between representatives of the Manchu Government and the Revolutionary Government.

Believe me [etc.]

JAMES BRYCE.

File No. 893.51/701.

The Assistant Secretary of State to the British Ambassador.

In view of the possible effect upon the lives, property, and trade of its nationals in the disaffected districts of any departure from the policy hitherto consistently pursued by common consent among the powers, the American Government believes that any loans to China at the present juncture would be inopportune, except upon the conditions already laid down, namely strict neutrality as between Chinese factions and broad participation by the interested foreign powers.

While the American Government would be inclined to favor financial assistance to China on the above conditions, it is felt to be a corollary of this policy to discourage loans by its nationals unless assured that such loans are in harmony with the above views.

These considerations gain additional force from the fact that a conference is already in session at Shanghai for the purpose of arriving at an amicable settlement of the situation, and it is felt that the outcome of the conference should be awaited before taking any further steps in the matter of a loan. Financial assistance such as is now requested by the authorities in Peking might serve to hinder rather than hasten the desired settlement.

DEPARTMENT OF STATE,
Washington, December 18, 1911.

File No. 893.00/811.

The Secretary of State to the American Embassies at London, Paris, Berlin and St. Petersburg.

[Identic telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 27, 1911.

During the past week this Government has exchanged telegrams with France, Germany, Great Britain, Japan and Russia, from which it appears that while there is some divergence of opinion as to the advisability of a small loan to the Peking Government at the present juncture for administrative purposes, and as to what further measures may be advisable in case the Shanghai conference fails of satisfactory results, there is entire accord among the Governments in the opinion that it is essential to maintain complete unity of action by the powers.

KNOX.

File No. 893.00/741.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 24, 1912.

The following received to-day from the Embassy at Tokyo:

> Okura firm informs me that one of its directors left on the 20th for Shanghai to negotiate loan by the firm to Shanghai Hang-Chow Railway Co., for 3,000,000 yen, secured on the part of the line between Shanghai and Feng-Chau; 8%; recaption price, 104; redemption period, 10 years. Firm states that money will eventually pass to Revolutionary Government, but the loan is a purely private contract between Okura and Chinese Railway Co., and that Japan refuses to extend support; refusal privately confirmed by Ministry of Finance.
>
> BRYAN.

By common accord this Government has hitherto pursued the policy of strict neutrality with respect to loans to China. It has felt it to be a corollary of that policy to look with disfavor upon loans by its nationals unless assured that such loans should be of neutral effect as between the factions. It has also felt that it is particularly appropriate at present to invoke the principle that a lending Government should deter its nationals from making loans not of a sufficiently broad purpose to secure the approval of said Government in consultation with the other interested powers. The Department fears that the loan now contemplated by the Japanese may have an unfortunate effect upon the group that has adhered to the above-expressed views.

KNOX.

File No. 893.00/746.

The American Chargé d'Affaires at London to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
London, January 31, 1912.

The Foreign Office intend to reply to Japan that although the British Government can not undertake absolutely to prevent their nationals from making loans in future, the Government are ready to "use their influence as far as possible to prevent" such financial assistance.

PHILLIPS.

File No. 893.00/1029.

The German Ambassador to the Secretary of State.

IMPERIAL GERMAN EMBASSY,
Washington, January 31, 1912.

MR. SECRETARY OF STATE: I have the honor respectfully to inform your excellency that in view of the development of affairs in the Far East the Imperial Government would desire to obtain confidential information as to the attitude of the Government of the United States toward the said development.

Expressing [etc.],

J. BERNSTORFF.

File No. 893.51/741.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 1, 1912.

You may assure Sir Edward Grey that the attitude of this Government regarding international participation in loans to China, as stated in the letter of December 11 last to the British Ambassador here, is unchanged, and that should the Chinese Government hereafter conclude a loan with the four groups we would be disposed to favor the admission of other powers concerned, particularly Japan and Russia, the manner of such participation being primarily a matter for the groups to determine in consultation with their respective Governments.

KNOX.

File No. 893.00/1029.

The Secretary of State to the German Ambassador.

[Extract.]

DEPARTMENT OF STATE,
Washington, February 3, 1912.

YOUR EXCELLENCY: In reply to your note of the 31st ultimo [etc. All but the last paragraph of this note refers to purely political matters (see article Revolution, etc.). The last paragraph is as follows.]

Moreover, this Government has felt it to be a corollary of the policy of strict neutrality hitherto pursued by common accord with respect to loans to China to look with disfavor upon loans by its nationals unless assured that such loans would be of neutral effect as between the contending factions, as it has also felt that the present was an occasion where there might be invoked with peculiar appropriateness the principle of the lending Governments deterring their nationals from making loans not approved as to their broad policy by their own Governments in consultation with the other interested powers.

Accept [etc.].

P. C. KNOX.

File No. 893.51/772.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 24, 1912.

The Department considers that, in general, any loan to China would be inopportune until a composite provisional government for the whole of China has been firmly established or unless such loans are indorsed by the *de facto* authorities of both North and South China. This applies to all loans, whether national, provincial, or private, and whether made by the quadripartite group or by individual Americans. With respect to future national and provincial loans the Department favors the broadest possible internationalization and believes that full participation should be offered to Russia and Japan.

With special reference to proposed loan to the Nanking Provisional Government the American group has been informed that if the loan is made to the joint Provisional Government or indorsed by the Nanking and Peking authorities this Government would approve provided the other Governments and groups agreed and on condition that full participation be given also to Japan and Russia.

HUNTINGTON WILSON.

File No. 893.51/774.

The Ambassador of Great Britain to the Acting Secretary of State.

No. 55.]

BRITISH EMBASSY,
Washington, February 24, 1912.

SIR: With reference to previous correspondence regarding the affairs of China I have the honor, under instructions from His Majesty's Government, to bring the following facts to your notice:

The Provisional Government at Nanking, being in immediate need of an advance of 2,000,000 taels, are prepared to accept a loan of £600,000 on the security of the China Merchants Co.'s ships.

His Majesty's Government had already, after consulting the British minister at Peking, come to the conclusion that conditions in China have now become sufficiently settled to allow of advances being made to the Provisional Government. They have consequently given their conditional consent to the loan now proposed, but, in view of the understanding hitherto existing between the powers to discourage loans during the revolution, they have made this approval dependent upon the consent and joint action of the other three Governments. They have also stipulated that the Peking Government should give its sanction to the loan and that Japan and Russia should be invited to participate.

In proposing that this offer should be made to Japan and Russia His Majesty's Government are animated by the desire to prevent a return to the previous policy of unprofitable competition in China. Their views on this point are, I think, already known to you, and I understand that they have the approval of your Government. I am therefore instructed by His Majesty's Principal Secretary of State for Foreign Affairs to express the hope that your Government will agree to the proposed loan and to the participation in it of Japan and Russia. Should your Government approve this course His Majesty's Government hope that you will see your way to send the necessary instructions to the United States representative in Peking.

His Majesty's Government are addressing similar communications to the French and German Governments.

I have, etc.,

JAMES BRYCE.

File No. 893.51/774.

The Acting Secretary of State to the Ambassador of Great Britain.

No. 1430.]
DEPARTMENT OF STATE,
Washington, February 27, 1912.

EXCELLENCY: In reply to your note of the 24th instant, on the subject of loans to China, I have the honor to state that on the 24th instant the American legation in Peking was instructed in the following general sense:

Until a composite provisional government for entire China shall have been firmly established the Department considers any loans to China inopportune unless indorsed by the de facto authorities of both North and South China. This applies to all loans, whether made by the quadripartite group or individual Americans to national or provincial authorities or to private parties. The Department favors the broadest possible internationalization of all future national and provincial loans and believes that full participation should be offered to Russia and Japan. As to the proposed loan to the Nanking Provisional Government, the Department has informed the American group that if the loan is made to the joint Provisional Government or indorsed by the Nanking and Peking authorities this Government would approve, provided the other Governments and groups agreed and full participation were offered to Japan and Russia.

I am happy to state that from the above it will appear that this Government is in entire accord with His British Majesty's Government upon the question.

Accept, etc.,
HUNTINGTON WILSON.

File No. 893.51/776.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, February 28, 1912—1 p. m.

The German Government has reached our own conclusion that common action even in the matter of finance is the wisest policy for the concerned powers to pursue for the protection of the common interests in China, and consequently has expressed its willingness to have Russia and Japan admitted into the financial group.

LEISHMAN.

File No. 893.51/794.

The Acting Secretary of State to the American Ambassador to Russia.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 11, 1912.

The financial groups of France, Germany, Great Britain, and the United States, with the sanction of their Governments, have agreed to make an advance to meet the immediate needs of the provisional government of united China. The groups are willing to concede equal participation to Russia and Japan. You will cooperate with your British, French, and German colleagues by informing the Minister for Foreign Affairs that this Government has approved the transaction on the condition that full and equal participation be offered to Russia and Japan and would suggest that, if agreeable to the Imperial Russian Government, a financial group or agency be designated by that Government with which the groups of the other nationalities may arrange the necessary details of this and future loans.

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[1] Mutatis mutandis to American Embassy at Tokyo.

HUNTINGTON WILSON.

REORGANIZATION LOAN. CURRENCY-REFORM AND INDUSTRIAL-DEVELOPMENT LOAN. CURRENT-EXPENSE ADVANCES.[1]

File No. 893.51/799.

The Ambassador of Great Britain to the Acting Secretary of State.

BRITISH EMBASSY,
Washington, March 12, 1912.

DEAR MR. HUNTINGTON WILSON: I have just received a telegram from Sir Edward Grey in which he says that he learns from the French minister that his Government would like Yuan Shih-kai to give an undertaking that he will not negotiate *any important loan*, except with the four banking groups, if he expects the cooperation of the four Governments in regard to the issue of a large reorganization loan. It is understood that the French proposal does not exclude the participation of Russian and Japanese groups, a principle to which France has already agreed.

His Majesty's Government is in favor of asking for an assurance from Yuan Shih-kai such as that suggested by the French Government, but Sir Edward Grey would prefer to alter the words "any important loan" to "any loan that might conflict with the interests or weaken the security of the large loan which is at present being negotiated by the four groups with the approval of their Governments."

I am instructed to bring this information to the knowledge of your Government and I shall be grateful if you will put me in possession of their views on the subject.

Believe me [etc.]

JAMES BRYCE.

File No. 893.51/802.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Aide mémoire.]

AMERICAN EMBASSY,
St. Petersburg, March 15, 1912—3 p. m.

The Minister for Foreign Affairs sent late last night the following aide-mémoire:

> The Imperial Government of Russia has been of the opinion since the beginning of the existing crisis in China that the loans should be made only after

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[1] Continues the foregoing correspondence beginning at p. 88.

a preliminary understanding between the powers. The Russian Government expressed this idea to the Governments of England and of the United States of America at the time of the exchange of opinions following the note of the American Secretary of State recommending united action of the powers in China. It has, therefore, discouraged the attempts of Russian bankers to conclude Chinese loans before the establishment of such an understanding, and it has consequently learned with regret that the combination of English, French, German, and American bankers had advanced to the provisional government of Nanking the sum of 2,000,000 taels and another million to Yuan Shih-kai and was prepared to advance to him other sums in addition without any consultation with Russia on this subject. The purely political character of these advances causes the Russian Government to believe that it should take part in them in order to maintain the principle of the solidarity of the powers in regard to the new Chinese Government. The Russian Government finds itself obliged, however, to formulate from this moment the following conditions in regard to the said Russian participation: First, the advances of money to the provisional government of China, having a political character, should be considered as entirely independent of future Chinese loans; second, the Russian participation in these advances in no way shadows forth the Russian attitude in regard to future Chinese loans which may be negotiated by the combination. In consenting to take part in these advances the Russian Government believes itself right in waiting till the Governments whose subjects and citizens make part of the combination consent on their side to enter into pourparlers with Russia in regard to the conditions of carrying out future financial operations in China. It is well understood that the bankers of the countries taking part should meanwhile abstain from lending money to China without having obtained in advance the approval of the interested Governments. In case the conditions above indicated meet no objection on the part of the Governments represented in the combination, the Russian Government declares itself ready to furnish the representative of the Russo-Asiatic Bank at Peking with instructions to negotiate with the representatives of the financial group forming the combination on condition of Russian participation in the advances which have been made or which shall be made.

Guild.

[Embassy at St. Petersburg instructed to repeat above telegram to Embassies at London, Paris, and Berlin.]

File No. 893.51/803.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, March 16, 1912.

The advance loan has been agreed to upon the following among other conditions: that the banks have option to provide further advances for monthly requirements of the Chinese Government, which shall assure to the groups option of undertaking reorganization loan.

In note of March 9, Yuan agreed to these conditions, but on the 14th Tong signed a loan with a Belgian-Russian group for £1,000,000 at 97 and 5 per cent interest, with Kalgan Railway revenues as security and option on £10,000,000 loan.

Calhoun.

File No. 893.51/803.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 16, 1912—6 p. m.

In regard to your telegram March 16, promptly take steps necessary to safeguard all legitimate American interests, consulting colleagues where jointly concerned. The Russian Government has signified readiness in principle to participate in present advances and to designate Russo-Asiatic Bank as agent. Can not competing Russian interests be satisfied on basis of assured participation in pending loans?

Huntington Wilson.

File No. 893.51/799.

The Acting Secretary of State to the Ambassador of Great Britain.

Department of State,
Washington, March 16, 1912.

My Dear Mr. Ambassador: After careful consideration of the question presented in your letter of the 12th instant as raised by the French Government, relating to an engagement by the Chinese Government regarding future loans, I am inclined to think that any engagement should be made by the de facto Chinese authorities directly with the bankers and communicated officially to their respective Governments. The object, of course, should be to secure to the groups fair treatment without giving them a monopoly to the exclusion of other legitimate lenders with whom they might be unwilling to combine. The proposed formula might be somewhat as follows:

An undertaking not to negotiate "any subsequent loan that might conflict with the legitimate interests or weaken the security of the large loan, if consummated, which is at present being negotiated by the combined groups with the approval of their Governments, or of loans hitherto negotiated."

Some such formula would seem to me to be much preferable to that proposed by the French Government.

I remain, etc.,

Huntington Wilson.

File No. 893.51/805.

The American Ambassador to Japan to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Tokyo, March 18, 1912.

In answer to invitation to participate in Chinese loan transmitted in your March 11, The Minister for Foreign Affairs expresses appreciation of condition that equal participation be tendered Japan and Russia and undertakes on behalf of his Government to join in said loan, designating the Yokohama Specie Bank as the representative of the Japanese financial group.

Minister for Foreign Affairs adds:

> The Imperial Government naturally expect that nothing connected with the projected loan will operate to the prejudice of the special rights and interests of Japan in the region of southern Manchuria.'

BRYAN.

File No. 893.51/805.

The Acting Secrtary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 19, 1912—6 p. m.

The Embassy at Tokyo sends the following telegram [see *supra*, telegram March 18.]

You will consult the Foreign Office as to the nature of its intended replies to the Russian and Japanese Governments and as to its understanding of the next step to be taken. Repeat the foregoing to the embassies at Berlin and London for similar action.

HUNTINGTON WILSON.

File No. 892.51/807a.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 19, 1912—7 p. m.

After consultation with and subject to analogous action by your British, French and German colleagues you may point out emphatically the bad effect of rushing separate negotiations like the reported Belgian loan pending the very important present negotiations of the four groups, so valuable to the future of China, which may be jeopardized by such short-sighted action, and also pending the pourparlers with Japan and Russia.

As to the suggestion of the groups that the Belgian advances without conditions and therefore inharmonious with the larger plans might well be suppressed by China's making the four groups (presumably with Russian and Japanese participation) fiscal agents for all foreign loans, you may say to your three colleagues that such fiscal agency might be an excellent solution if the feature of potential monopoly were safeguarded with an undertaking by each group to its own Government to assure fair treatment to other future investors of its own nationality.

Provision might be made to secure to the groups fair treatment without giving them a monopoly to the exclusion of other legitimate lenders with whom they might be unwilling to combine, by an undertaking from China to the groups not to negotiate any subsequent loan that might conflict with the legitimate interests or weaken the security of the large loan, if consummated, which is at present being negotiated by the combined groups with the approval of their Governments, or of loans hitherto negotiated.

It may be worth considering whether the Chinese Government should not at the same time be requested also to engage with the respective Governments not to negotiate any large loan except with the combined banking groups and their associates, or with corresponding groups of the same nationalities and upon the same broad principles of internationalization. You may discuss this question as your own idea with your colleagues and with Yuan Shih-kai and Tong Shao-yi, pointing out to the latter the advantages to China's future welfare of some such arrangement, which would tend to obliterate preferential political rights and thus forestall any purely political loan being forced upon China by any individual power.

HUNTINGTON WILSON.

[Repeated to embassy at Paris, with instructions to repeat to embassies at London and Berlin.]

File No. 893.51/807c.

The Acting Secretary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 19, 1912—8 p. m.

Owing to the very important financial interests of Belgium in China, the Belgian Minister is instructed to make application for Belgian participation. The following is the text of the Department's proposed reply:

> The Government of the United States has long favored the principle of broadly international participation in loans to China and upon the completion of arrangements now being discussed by the bankers and the Governments of the four groups with Russia and Japan, and subject to the exigencies of pending negotiations with China, would be entirely disposed to join in the consideration of any question of the introduction of Belgian capital in connection with these matters.
>
> The American Government has, however, consistently held that the manner of such participation was primarily one to be determined by the financial groups in consultation with their respective Governments.

You will consult with the Minister for Foreign Affairs as to the nature of the intended reply of the Government to which you are accredited, and invite any comments on the Department's proposed reply.

Repeat to embassies at London and Berlin.

HUNTINGTON WILSON.

File No. 893.51/810.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, March 21, 1912—4 p. m.

The British Government have instructed their Minister in Peking to cooperate with his interested colleagues in protesting vigorously against the reported Belgian loan, discussed in your telegraphic instruction of March 19, 7 p. m.

REID.

File No. 893.51/843.

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,

No. 484.] *Peking, March 21, 1912.*

SIR: Referring to my telegram of March 16, I have the honor to report that the representatives of the four groups, having been informed by Mr. Tong Shao-yi that the Nanking Government was in urgent need of funds, held a meeting to consider the possibility of making an advance of 7,000,000 taels. It was decided to supply the Nanking Government with 5,000,000 taels in March and the balance of 2,000,000 taels in April. On February 28, therefore, with the consent of Yuan Shih-kai, the President-elect of the Provisional Government, the interested banks at Shanghai paid 2,000,000 taels to the Nanking Minister of Finance, as part of the advance promised for March.

Tong Shao-yi asked the groups to advance a further sum during the month of March of 3,000,000 taels for the relief of the Peking Government, and 6,400,000 taels monthly for April, May, and June, and possibly for July and August, to be equally divided between Peking and Nanking.

For the repayment of these advances Mr. Tong stated that by July next the Government expected to be in a position to conclude a comprehensive reorganization loan which would probably be for £60,000,000, to be spread over five years—*i. e.*, £12,000,000 each year—the security for which would be the salt gabelle, which it was proposed to reorganize on modern lines. The present income from the salt gabelle was stated to be about 47,000,000 taels per annum, which sum it was believed could easily be doubled under proper management.

It was agreed that the monthly advances requested be made against sterling treasury bills to be redeemed from the proposed loan, and that they should be secured upon the salt revenues. Mr. Tong requested the groups to prepare a draft agreement as soon as possible to cover all the requirements mentioned.

With respect to the proposed reorganization loan, the groups' representatives pointed out that it would first be necessary to reassure the markets by a declaration of the Government's financial policy, but agreed to refer the matter to their principals.

On March 2 President Yuan, through the Peking Acting Minister of Finance, represented to the groups' representatives that the Peking Government was in immediate need of 1,185,000 taels, to meet which there were in the treasury but 170,000 taels.

On March 5 the four groups informed their representatives here that they would advance the required sum, 1,015,000 taels, and would concede Russian and Japanese participation in the same, but stipulated that they must have an option on further monthly requirements and on the proposed reorganization loan.

The telegram communicating these terms stated further that the Eastern Bank of London was trying to secure participation in the temporary advance at 8 per cent with an option on a large loan and that this was making it difficult for the groups to do the business. The groups therefore insisted that President Yuan should negotiate with them alone.

On the 9th of March the groups' representatives addressed a letter to President Yuan, stating the terms upon which they would advance his Government 1,015,000 taels, for which he had asked to meet immediate requirements. I have the honor to inclose a copy of this letter and of President Yuan's reply to it, dated March 9, in which he accepted the terms offered. It will be noted that the third condition provides for a firm option on the further monthly requirements of the Chinese Government, and that the fourth stipulates that the Chinese Government shall assure to the groups, provided that their terms are equally advantageous with those otherwise obtainable, the firm option of undertaking the comprehensive loan for general reorganization purposes.

On the 11th of March the groups' representatives informed their principals that Yuan had requested a further loan of 5,000,000 taels to meet the urgent needs of Wuchang. Of this sum it was intended to employ 2,000,000 taels to pay troops and 3,000,000 taels to protect the Hupei notes issued by the former provincial government.

On March 12 the groups' representatives were informed by a telegram from London that the four groups would advance the 2,000,000 taels required for the pay of the troops at Wuchang, but that the provincial note issue ought not to be protected by any such temporary advance.

The same day the four groups informed their representatives here of the terms on which they would agree to finance China's monthly requirements—*i. e.*, nine months' treasury bills at 95½, less 1 per cent for charges other than those for printing and engraving; the groups to have preference on the £60,000,000 loan, control of the expenditures thereunder, and a stipulation that while preliminary advances were being made and until the redemption of the treasury bills and issue of the reorganization loan China should not negotiate nor contract except through the four groups.

On March 13 the group's representatives in a telegram to their principals called attention to this last-mentioned stipulation as being capable of an interpretation that would conflict with the wording of the option—that is to say, that since the proposed loan was to be spread over five years, China by the stipulation proposed would be bound until all five series of bonds were issued not to negotiate with others than the four groups. This, it was stated, would constitute a monopoly and could be secured only by the support of the four Governments concerned.

On March 15 Mr. W. D. Straight addressed a note to the legation stating that Mr. Tong had confirmed the report that on the 14th of March an Anglo-Belgian syndicate had signed an agreement with President Yuan providing for an advance of £1,000,000 for one year at 97, with interest at 5 per cent per annum, subject to the approval of the National Assembly and to be repaid out of a larger loan to be floated later by the syndicate. The amount of this loan Mr. Tong refused to disclose. Mr. Straight requested me to protest formally to the President against this action as a clear breach of the engagement contained in articles 3 and 4 of the letters exchanged between the groups' representatives and President Yuan on March 9. * * *

In compliance with your instructions, as contained in your telegram of March 16, 6 p. m., I attended a meeting yesterday of the ministers of the interested powers to consider the request of the groups that a formal protest be made. It was decided to arrange an early audience with President Yuan and to formally protest against the action taken by the President in signing the agreement with the Anglo-Belgian syndicate. Such protest seems to be imperatively demanded by the situation.

Politically, China is in a frightful condition of disorder, and financially is in danger of bankruptcy. * * * In such a condition the only hope of a restoration of order is in the possibility of borrowing money abroad. On the other hand, if the Provisional Government is permitted to borrow money here and there and everywhere without check or control, there can be but one result and that an early one—national bankruptcy. There may be those who would not be sorry to see such a condition brought about, because it would compel foreign intervention, but the policy consistently advocated by our own Government rather demands the adoption of measures which will tend to save the Chinese Government from itself, prevent foolish borrowing and reckless expenditure, and assist it to maintain its credit and build up prosperity upon a solid foundation.

I have, etc., W. J. CALHOUN.

[Inclosure 1.]

The Representatives of the Four-Power Banking Groups to President Yuan Shih-kai.

PEKING, *March 9, 1912.*

SIR: In reply to Your Excellency's request communicated to us by Acting Minister of Finance, Mr. Chou Tzu-chi, in his letter of the 2d of March, that we should obtain the sanction of our ministers to advance to the Chinese Provisional Government the sum of 1,015,000 taels to meet urgent requirements, we now have the honor to inform Your Excellency that the advance requested has received the sanction of our respective Governments and that we are prepared to hold at the disposal of the Chinese Provisional Government, against the receipts of the Ministry of Finance, the sum of 1,100,000 Shanghai taels.

Of this amount the sum of 500,000 Shanghai taels can be made available immediately—namely, about 320,000 Shanghai taels payable in Peking at the rate of 107.25 Shanghai taels per 100 Kungfa taels and about 180,000 Shanghai taels for remittance abroad. The balance—namely. 600,000 Shanghai taels—will be made available in Peking in Shanghai sycee so soon as the necessary arrangements can be made, the expense of shipment and delivery to be borne by the Chinese Government.

It is understood and agreed—

(1) That the said advance of 1,100,000 Shanghai taels will be treated in conjunction with the advance of 2,000,000 Shanghai taels made in Shanghai to the Chinese Provisional Government on the 28th day of February last, and that sterling exchange for the same will be settled by the banks in Shanghai to-day.

(2) That this advance of 1,100,000 Shanghai taels, as in the case of the previous advance of 2,000,000 Shanghai taels above referred to, will be covered by delivery to the banks, so soon as arrangements permit, of sterling treasury bills bearing date the 9th day of March, 1912, and for such amounts as, after

being discounted at a rate to be arranged, shall yield the sterling equivalent of the said advance, the said treasury bills to be secured, subject to the existing charges, upon the revenue of the salt gabelle.

(3) That the banks hold a firm option for the provision of further monthly requirements of the Chinese Government for the months of March, April, May, June, and possibly July and August, which the undersigned four groups have already been requested to finance, against the delivery of additional sterling treasury bills on terms to be arranged.

(4) That, in consideration of the assistance rendered by the groups to China in the present emergency and of their services in supporting her credit on the foreign markets, the Chinese Government assures to the groups, provided that their terms are equally advantageous with those otherwise obtainable, the firm option of undertaking the comprehensive loan for general reorganization purposes already proposed to them, to be floated as soon as possible, and to be applied in the first instance to the redemption of the sterling treasury bills aforesaid.

We have the honor to request that Your Excellency will favor us with your reply confirming the conditions above stated.

We have, etc.

[Inclosure 2.]

President Yuan Shih-kai to the Representatives of the Four-Power Banking Groups.

REPUBLIC OF CHINA,
OFFICE OF THE PRESIDENT,
Peking, 9th of March, 1912.

GENTLEMEN: I am in receipt of your letter of to-day's date informing me that, having obtained the sanction of your Governments to advance to the Chinese Provisional Government funds for their urgent requirements, as stated in the letter of the 2d of March addressed to you by the Acting Minister of Finance, your banks are now prepared to hold at the disposal of the Chinese Provisional Government, against the receipts of the Ministry of Finance, the sum of 1,100,00 Shanghai taels, and I note the arrangements proposed for making this sum available.

It is understood and agreed—

1. That the said advance of 1,100,000 Shanghai taels will be treated in conjunction with the advance of 2,000,000 Shanghai taels made in Shanghai to the Chinese Provisional Government on the 28th day of February last, and that sterling exchange for the same will be settled by the banks in Shanghai to-day.

2. That this advance of 1,100,000 Shanghai taels above, as in the case of the previous advance of 2,000,000 Shanghai taels above referred to, will be covered by delivery to the banks, so soon as arrangements permit, of sterling treasury bills bearing date the 9th day of March, 1912, and for such amounts as, after being discounted at a rate to be arranged, shall yield the sterling equivalent of the said advance, the said treasury bills to be secured, subject to the existing charges, upon the revenue of the salt gabelle.

3. That the banks hold a firm option for the provision of the further monthly requirements of the Chinese Government for the months of March, April, May, June, and probably July and August, which the four groups have already been requested to finance against the delivery of additional sterling treasury bills on terms to be arranged.

4. That in consideration of the assistance rendered by the groups to China in the present emergency, and of their services in supporting her credit on the foreign markets, the Chinese Government assures to the groups (provided that their terms are equally advantageous with those otherwise obtainable) the firm option of undertaking the comprehensive loan for general reorganization purposes already proposed to them, to be floated as soon as possible, and to be applied in the first instance to the redemption of the sterling treasury bills aforesaid.

I hereby confirm the arrangements and conditions above stated, and request you to proceed immediately in accordance therewith.

I am, etc.,

YUAN SHIH-KAI.

File No. 893.51/812.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, March 21, 1912—5 p. m.

Your March 19, 8 p. m., which I read to Langley, Assistant Under Secretary of State for Foreign Affairs. He replied that Belgian Minister in London had already informally approached Foreign Office in the matter, and had been answered in almost precisely the same language used in your proposed reply to the Belgian Minister at Washington.

REID.

File No. 893.51/814.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, March 21, 1912—6 p. m.

German minister at Peking instructed to join colleagues of four-power group in protesting against Belgian loan, in which, according to information received by German Foreign Office, both English and French bankers are interested. Germany considers that it would be very unwise to increase size of group, which has already been made somewhat unwieldy by the admission of Japanese syndicate and Russia, whose entry was agreed to for political rather than financial reasons.

LEISHMAN.

File No. 893.51/817.

The Ambassador of Great Britain to the Acting Secretary of State.

[Extract.]

BRITISH EMBASSY,
Washington, March 21, 1912.

DEAR MR. WILSON: His Majesty's Government agrees with your Government as to the measure of support which should be given by our Government to the groups concerned, and accepts the amended wording of the undertaking, which was proposed by you in your semiofficial note of the 16th. His Majesty's Minister in Peking has been instructed in this sense, and the French and German Governments have been informed. His Majesty's Government will give no support for the moment to any negotiations which would interfere with the temporary advances or weaken the security of the large loan.

As regards Belgian participation in the loans, His Majesty's Government has no objection to this in principle, and agree that the terms of such participation should be settled by the groups in consultation with their Governments.

As regards the proposed loan, the contract for which was signed by the Chinese Prime Minister, and in which British, Russians and

Belgians are interested, His Majesty's Minister in Peking has been instructed to join with his colleagues in protesting against it on the ground that it is a breach of the engagement under which the four groups undertook to make advances to the Chinese Government, and the British financiers have been informed that His Majesty's Government can give them no support.

I am [etc.]

JAMES BRYCE.

File No. 893.51/818.

BRITISH EMBASSY,
Washington, March 22, 1912.

DEAR MR. WILSON: I have now received a further communication from the Foreign Office on the subject of the Chinese loan negotiations.

The reply of the Japanese Government to the invitation to enter the combination of banks of other countries did not appear to Sir Edward Grey to require an immediate answer, but he is inclined to agree that the term special rights and interests should be interpreted as meaning those rights and interests which arise out of treaties.

As regards the reply of the Russian Government, Sir Edward Grey understands that their acceptance of the invitation applies only to the temporary advances. It has been explained to the Russian Government why, in order to strengthen the hands of the de facto government in China against the forces of disorder, it was impossible to await the designation of the Russian group before sanctioning the advances, and it was added that for the same reasons it might be impolitic to await the settlement of the conditions of Russian participation before agreeing to any further advances.

It was further stated that His Majesty's Government considered that the best way to settle all conditions was by discussion between the different groups in consultation with their respective Governments, but that the Foreign Office was prepared to discuss the conditions of the loan with the Russian Government, and that His Majesty's Government approved the conditions agreed on at the meeting of the banking groups, and further that the proposed loan of £60,000,000 was regarded as being the sequel and complement of the advances and that it was also acknowledged that the attitude which Russia might adopt toward other future loans was not prejudiced by her participation in present advances.

I am [etc.]

JAMES BRYCE.

File No. 893.51/850.

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 495.] *Peking, March 29, 1912.*

SIR: I have the honor to report that on March 25, the British, French, and German ministers and myself called upon Yuan Shihkai and entered a protest against the breach of the contract or arrangement made between him and the representatives of the groups, evidenced by the exchange of letters between him and them, dated March 9, and in support of such protest we left with him an aide-mémoire, a copy of which is herewith inclosed[1] and in which the facts on which the protest was based are fully recited.

Yuan Shih-kai read the aide-mémoire and made a somewhat extended verbal reply. He said China's need for money was very great, the amount required was very large, and, no doubt, Tang Shao-yi feared the bankers would not be willing to give him all that was required, and, an opportunity to secure more money from other sources having presented itself, he took advantage of it and made the Belgian loan. The ministers entered into no discussion of the subject.

I have not seen the Belgian loan contract, but I understand it is for a loan of $5,000,000, which is to be an advancement on an ultimate loan of $50,000,000, and without any provision for control or supervision of expenditures. * * * The Belgians are not the chief element in this loan; the Russians are behind it—at least the Russo-Asiatic Bank is the leading factor, although not a party to the contract.

I have, etc.,

W. J. Calhoun.

File No. 893.51/824a.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 29, 1912—6 p. m.

Cable briefly your opinion as to fiscal agency and proper measures of control future Chinese loans, as per Department's March 19, 7 p. m.

Huntington Wilson.

File No. 893.51/825.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, March 30, 1912—6 p. m.

New-born enthusiasm tends to extravagant expenditures. If China is saved she must be protected from financial improvidence. Indiscriminate borrowing and reckless competition between bankers should be prevented. The plan suggested in your March 19, 7 p. m., tends to that end and justifies monopolistic feature, which may be regulated by friendly nations. It affords bankers fixed compensation, secures their experienced service, and gives China benefit of the markets. The agency term, ten years, will carry China over reorganization period. I am disposed therefore to approve the plan in principle but am not committed to all its details.

Calhoun.

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[1] Not printed.

File No. 893.51/831.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 8, 1912.

The following aide-mémoire handed to the Embassy at St. Petersburg April 6 reads in part as follows:

> In consenting to participate in the reorganization loan the Russian Government believes itself obliged clearly to indicate from now on that the conditions of the loan should contain nothing that may be injurious in its nature to the rights and special interests of Russia in North Manchuria, in Mongolia and in West China. With this reservation the Russian Government is ready to designate the Russian-Asiatic Bank as being the representative of the Russian financial group in the consortium that will take upon itself the issue of the Chinese reorganization loan.

The Department understands that this reservation refers only to such special interests and rights as arise out of treaties and agreements with China, in which understanding the British Government concurs.

HUNTINGTON WILSON.

File No. 893.51/859.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, April 27, 1912.

I have today received a communication from the Chinese Government undertaking to cancel the provisions of the Belgian contract relating to a loan of £10,000,000 and engaging not to repay the Belgian advances with funds borrowed from the four groups. Negotiations will now be resumed by the representatives of the groups.

CALHOUN.

File No. 893.51/860.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 29, 1912.

The Department sent the following telegram to the American group on April 26:

> The Department believes that it would be a mistake for the groups to be too strict in the matter of control in connection with the preliminary advances, and that it is most important that funds required for immediate needs be advanced promptly in order that the Provisional Government may get started as soon as possible on a more stable basis. The groups of course should have proper security for these advances, the aggregate of which is comparatively small. But the full discussion of conditions of control for the large reorganization loan, while proceeding simultaneously, should not unduly delay the

preliminary advances, with the understanding that the concessions with respect to these urgent advances shall in no wise prejudice the discussion of measures of control in connection with the large loan.

You will ascertain by consulting your colleagues whether a common understanding can not be reached promptly in the above sense.

HUNTINGTON WILSON.

File No. 893.51/918.

The American Minister to the Secretary of State.

No. 538.]

AMERICAN LEGATION,
Peking, May 7, 1912.

SIR: With reference to my despatch No. 520,[1] of April 18, 1912, regarding the controversy between the Chinese Provisional Government and the banking groups over the loan negotiations, I have the honor to inclose herewith copies of further correspondence exchanged between the Chinese authorities and the ministers concerned.

I have [etc.] W. J. CALHOUN.

[Inclosure 1.—Memorandum.]

The Ministers of the four Powers to the Foreign Office.

PEKING, *April 18, 1912.*

The ministers for Great Britain, France, the United States, and Germany have received the memorandum of the 15th instant[1] in which the Ministry for Foreign Affairs communicate the reply of the Premier to the memorandum handed by the ministers to the President of the Republic on the 25th ultimo,[2] embodying their protest against the loan contract signed with a Belgian syndicate in violation of the written pledges given by the Chinese Government on March 9 last to the group of banks of the four nations.

The ministers note with regret that this memorandum makes no allusion to the circumstances which gave rise to the protest in question and is confined to the statement that regrettable misunderstandings occurred in the negotiations with the groups.

No misunderstandings occurred; what occurred was, on the contrary, a signal failure on the part of the Chinese Government to meet its engagements.

The Premier adds that China is in absolute need of the groups' financial assistance, and that if she fails to obtain it there is every risk of an outbreak of disorder.

The ministers can only remind the Wai Chiao Pu of the great readiness displayed by the group of banks to inaugurate advances to China as soon as the new Government was formed, and of their willingness, even during the recent disturbances in Peking and North China, to continue to advance her monthly considerable sums sufficient, in fact, to enable her to take all necessary steps to prevent the recurrence of these outbreaks.

Under the circumstances the ministers do not feel justified in advising the representatives of the group banks to resume negotiations with the representatives of the Chinese Government until effective steps have been taken by that Government to secure respect for the pledges given to the groups.

Still less are the ministers disposed to give their consent to the resumption of negotiations in view of the fact that, subsequent to their protest, the Chinese Government has thought fit by signing a fresh contract with the Belgian syndicate, to act once again in contravention of the pledges given to the groups on March 9.

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[1] Not printed.
[2] See the Minister's despatch of March 29, p. 122.

[Inclosure 2.]

The Premier, the Acting Minister for Foreign Affairs, and the Acting Minister for Finance to the Ministers of the four Powers.

APRIL 27, 1912.

SIR: Whereas the loan contract between the former Minister for Finance and the Belgian syndicate, entered into on the 18th of February of the present year and approved by the President on the 14th of March, is in conflict with the letter relating to advances and a loan given by the President to the four-power syndicate on the 9th of March, the Chinese Government now regards the President's letter of the 9th of March to the four-power syndicate to be of force and undertakes to cancel the clauses of the contract formerly made with the Belgian syndicate which refer to a loan of £10,000,000. After they shall have carefully consulted and agreed they will in turn inform the representatives in Peking of the four powers that they may take note of the fact.

Furthermore, the money received by the Chinese Government from the Belgian syndicate will not be repaid to the Belgian syndicate from any funds hereafter borrowed from the four-power syndicate.

We have the further honor to request that your excellency will take note hereof and direct the four-power syndicate at once to resume negotiations with the Acting Minister of Finance with regard to advances of money so as to relieve the very dangerous situation. This will be just and expedient.

(Signed) TONG SHAO-YI,
Prime Minister.
HU WEI-TE,
Acting Minister for Foreign Affairs.
SHIH CHAO-CHI,
Acting Minister for Finance.

[Seal of the Prime Minister.]

File No. 893.51/919.

The American Minister to the Secretary of State.

[Extract.]

No. 539.]

AMERICAN LEGATION,
Peking, May 7, 1912.

SIR: I have the honor to report details as to the pending loan negotiations.

The breaking off of negotiations between the bankers and Tang Shao-yi, caused by the Belgian loan contract, occurred on March 15. The latter thereupon left Peking for Nanking. He did not return to Peking until on or about April 19. Immediately on his return he addressed a note to Sir John Jordan, the British minister, asking for an interview with him and with the French, German, and American ministers. This request was granted and an interview was had at the British legation on the afternoon of April 23.

At this meeting Tang attempted to explain his side of the controversy between the bankers and himself. He finally asked what he could do to clear up the situation so as to permit the renewal of negotiations. Both the French and British ministers told him they each had specific instructions not to permit further negotiations unless the Chinese would undertake to cancel the Belgian contract, because it was in violation of or inconsistent with the contract of March 9; when that was done they would instruct their bankers to resume negotiations. The meeting ended without any definite statement as to what Mr. Tang would do.

Late on the evening of the 27th an identic communication[1] was received by each of the four ministers, which conformed in its terms to the suggestions of the ministers.

On the 29th of April the four ministers agreed to accept it as sufficient and to notify the bankers to resume negotiations.

On April 30 the bankers met with Tang and the latter then stated that the requirements of the Government were much more than first specified. He would now require something like 35,000,000 taels, to be paid over in varying weekly installments for the succeeding five weeks, with 2,000,000 taels for famine relief, and also £1,000,000 for payments due on war ships purchased, in addition. He further said that after June 15, and until October 15, 10,000,000 taels per month would be required. The bankers asked for time to confer with their principals. Upon their own initiation the bankers drafted a plan whereby the payment and disbandment of the troops might be carried on under foreign supervision.

On May 2 the bankers again met Mr. Tang and Shih Chao-chi (Alfred Sze), the Acting Minister of Finance, and the plan aforesaid was submitted to them. It was rejected in the most pronounced way. The bankers asked the Chinese officials to suggest some other plan which might secure the end desired without offending Chinese susceptibilities. But to this suggestion no reply, so far, has been made.

On May 6 the four ministers, together with the Russian and Japanese ministers, met together for the first time to consider the loan situation. I expressed the opinion that the peace of the country was endangered unless money is furnished wherewith to pay troops and thereby prevent further outbreaks and riots. It was agreed that the situation was critical, and all the ministers expressed the desire to help the Chinese, but they thought we were face to face with the question whether or not large sums of money were to be handed over to the Chinese without any supervision over or check upon the expenditure or application of the same.

We were then informed that Tang Shao-yi had notified Mr. Hillier that Hsiung Hsi-ling, the Minister of Finance, had arrived at Peking and would like to see the bankers at once, and that Mr. Hillier had replied they were ready to meet him at any time he named. I am informed, at this writing, that such conference is now going on between the Minister of Finance and the bankers.

I have, etc.,

W. J. CALHOUN.

NOTE.—On May 15, 1912, the bankers in conference at London telegraphed to their representatives a proposal of an agreement which is referred to occasionally in the subsequent correspondence. It was not perfected and adopted until June 20, under which date a summary of its provisions will be found.

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[1] See p. 126.

File No. 893.51/887.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, May 16, 1912, 9 p. m.

An advance of 3,000,000 taels will be made May 17 by the groups to the Chinese Government, which agrees to supervision of expenditures.

CALHOUN.

File No. 893.51/891a.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 17, 1912.

A report comes from the American representatives at the London conference that there has been a failure to reach an agreement with Russia and Japan as to participating in the Chinese loan. Ascertain the real difficulties and the attitude of the British Foreign Office.

KNOX.

File No. 893.51/898c.

The Secretary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 17, 1912—3 p. m.

As to the proposition to be sent to Peking by the London conference setting forth the terms and conditions relating to the preliminary advances and reorganization loan, the Department has made the following statement to the American group:

> The Department adheres to its previously stated general views as to control, protection of loans, and financial agency.
>
> The conditions laid down in the proposed telegram to Peking may be very difficult for China to accept at present in their entirety, and the Department believes that if they are to be presented a separate arrangement should be made on the basis of the understanding already reached at Peking for the prompt payment of the essential provisional advances.
>
> The present negotiations with China are of such great importance that the Department feels they should not be broken off without opportunity for full and deliberate consideration and consultation between the groups and the respective governments.

In a letter of April 1 to the American group[1] the Department suggested that any uniform measures of control adopted with respect to future Chinese Government loans might perhaps include substantially the following features:

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[1] Not printed.

Specific statement of purposes of loan; public statements of accounts; foreign auditors and accountants; foreign advisers and experts when necessary; administration by maritime customs when necessary of revenues pledged as security.

For the further protection of the lenders, to secure from China an undertaking not to negotiate any subsequent loan that might conflict with the legitimate interests or weaken the security of any prior loan negotiated with the approval of the governments concerned.

As to the fiscal agency, the Department stated that it would see no objection in principle provided such agency was acceptable to China and the feature of potential monopoly could be safeguarded, but considered this primarily a question for the groups and the Chinese Government to determine.

You may discuss the matter informally with the Minister for Foreign Affairs, stating our action and inquiring what views have been expressed to the bankers on the subject.

Repeat to embassies at London and Berlin.

KNOX.

File No. 893.51/898d.

The Secretary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 18, 1912.

You will communicate the following memorandum textually to the Foreign Office, and repeat to London and Berlin:

In view of what it is hoped is only a temporary withdrawal of the Japanese and Russian bankers the following is communicated to the Governments of Great Britain, France and Germany:

From the first the Government of the United States has favored the principle of broad internationalization of loans to China, and would consequently favor the admission of Austria and Italy, thus enlarging the group to eight (assuming the continued participation of Russia and Japan) presumably on a basis of a smaller share of investment, to be determined by the bankers now negotiating. This would enlarge the six-power group (as including Russia and Japan) to include all the first-class powers signatory to the Boxer protocols.

As for the other powers commercially or financially interested in China, the Government of the United States also inclines to the belief that it might strengthen the situation to favor participation by the bankers of such powers if they were granted subsidiary participation in the shares allotted to the principal groups.

The Government of the United States would, if the issue became hopeless, deprecate insistance upon exclusive fiscal agency; and if something more were desired by the bankers in addition to the other broad conditions for control, protection of loans and security, the United States would desire to raise the question whether it might not be feasible to avoid the monopolistic feature and the possible semblance of too great foreign authority involved, by the substitution of a provision to the effect that the Chinese Government would engage with the respective Governments not to negotiate any large loan except with the combined banking groups and their associates, or with corresponding groups of the same nationalities, and upon the same broad principles of internationalization.

KNOX.

File No. 893.51/894.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, May 20, 1912.

The chief causes which led to the suspension of the London conference appear to be:

1. Both Russians and Japanese claim that their respective groups should have right to issue abroad through any agencies they themselves select and not necessarily through the other groups, which is contrary to principle adopted in interbank agreement 10th of November, 1910.
2. Japanese desired declaration that proceeds of reorganization loan would not be expended in Manchuria and Mongolia.
3. Japanese endeavored to confine future business in this six-loan agreement to Government and provincial loans and that companies bearing Government or provincial guaranties should not be included.

REID.

File No. 893.51/938.]

The American Minister to the Secretary of State.

[Extract.]

No. 551.]
AMERICAN LEGATION,
Peking, May 21, 1912.

SIR: Continuing my No. 539 of May 7, and referring to my telegram of 11 p. m. of the same date[1] and that of May 16, 9 p. m., I have the honor to report satisfactory progress in the negotiations with respect to certain advances of funds to meet the immediate requirements of the Provisional Government.

The Minister of Finance met the groups' representatives on May 7, and, after a friendly conference, a memorandum was drawn up noting that 6,000,000 taels were needed immediately, one-half of this amount for Peking and the remainder for Nanking, and recording the promise of the Minister to submit to the Cabinet the next day a plan alternative to that of May 1 submitted by the group on the 2d of May to the Premier, which was reported in my No. 539, mentioned above. This alternative plan provided satisfactory conditions for the supervision of expenditures and specified the security to be offered and the method of its administration. The memorandum noted, further, that a statement would be submitted at once of the purposes for which the 6,000,000 taels asked were to be expended.

On the 8th of May the promised statement was sent and showed in detail the amounts needed between April 17 and May 16. It thus appeared that 3,154,000 taels were needed in Peking for the payment of troops, the payment of pensions of the bannermen, allowances to the imperial family, and sundry other items, and that some 4,500,000 taels would be needed for the redemption of the military notes issued by the Nanking government.

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[1] Not printed.

On May 9, after conference with the Cabinet, the Minister of Finance replied formally in writing to the groups' memorandum of May 1, repeating the objections already made orally to the groups' proposals for the employment of a foreign expert auditor and for the supervision by foreign military officers of the disbandment and payment of Chinese troops. He inclosed a plan for the reform of the army which had that day been agreed upon by the Cabinet and the high military authorities which he believed would result in a satisfactory disbandment of the superfluous troops.

To this note the groups' representatives sent a reply on May 10, a copy[1] of which is inclosed, expressing regret that the proposals made did not meet with the approval of the Chinese Government and voicing the hope that the Government would reconsider the questions of principle involved and the belief that a frank interchange of views would lead to a mutual understanding.

This opened the way to another conference between the Minister of Finance and the groups' representatives on May 11, at which, after long discussion, the Minister himself proposed a very practicable plan for the pay of the troops in the Provinces and the disbandment of a portion of them under the supervision of an officer representing the Central Government in association with the local commissioner of customs, the funds needed being taken from the customs receipts as far as possible, the amounts thus expended being replaced from the advances to be made by the groups.

It was also agreed that an audit department should be created to consist of a foreign auditor paid by the groups and a Chinese auditor paid by the Chinese Government, with the necessary staff of foreigners and Chinese to be paid by the Chinese Government, the auditors to inspect all pay sheets, etc., and to sign all orders upon the banks for the withdrawal of funds.

These conditions were embodied in a set of seven regulations, a draft of which was submitted by the groups' representatives to the Minister of Finance in a note dated May 12, a copy of which is inclosed.

These proposals were submitted to the Advisory Council on May 13. The council was persuaded to agree to the conditions, provided better could not be obtained.

When Mr. Hsiung, the Minister of Finance, subsequently met the groups' representatives in conference he suggested certain amendments of the seven regulations mentioned above. The only important change made was in the text of article 3, which was amplified and so altered as to provide that the auditors, after satisfying themselves that the pay sheets, etc., were in order, should sign the orders for withdrawal of funds "without further question."

On the night of May 16 other points upon which agreement was reached were that on the conclusion of the provisional advances the audit department should be abolished; that in any comprehensive loan that might be made for productive undertakings a foreign chief accountant approved by the groups should be engaged for each such productive enterprise, who would, conjointly with the Chinese director, sign all orders for the withdrawal of funds, and that accounts of all such undertakings should be audited by an auditor to be employed by the groups.

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[1] Not printed.

The proposed loan, the Minister stated, would be devoted to three objects—50,000,000 taels to the building of the Kaifeng-Haichow Railway, 50,000,000 taels to the reorganization of the salt gabelle, and a similar amount to the organization of a Government bank.

On May 17 the groups' representatives addressed a note to the Minister of Finance informing him that 1,500,000 taels were placed at the disposal of his Government in Shanghai and a similar amount in Peking, subject to certain conditions set forth in the note. The first of these provides that this sum of 3,000,000 taels is to be treated in conjunction with the advances, amounting to 3,000,000 taels, referred to in the letter addressed to the President on March 9, thus making a total of 6,000,000 taels advances to be governed by gold treasury bills.

Another condition specified that the Chinese Government engages to "grant no applications of the provincial authorities for permission to borrow funds from other parties without first applying to the groups".

Yesterday the revised regulations and other conditions under which the present advance is made formed the subject of discussion at a secret session of the council and the council decided that since the agreement had been concluded it would have to be accepted.

I have, etc.,

W. J. Calhoun.

[Inclosure.]

Draft regulations for the supervision of expenditure of provisional advances.

1. An audit department to be created adjacent to the Ministry of Finance, composed of an auditor employed and paid by the groups and auditor employed and paid by the Chinese Government and the necessary foreign and Chinese staff, who will be selected by the auditors and paid by the Chinese Government.

2. All orders on the banks for the withdrawal or transfer of funds must be signed by said auditors.

3. The Ministry of Finance will publish periodically in the Official Gazette estimates of expenditure required for the various Government departments, and will furnish to the audit department all such detailed pay sheets, statements, etc., as may be necessary to support requisitions for funds.

4. Each disbursement made will be covered by a detailed voucher in accordance with the practice of modern account keeping. These vouchers will be filed by the Ministry of Finance and will be inspected by the auditors.

5. With regard to the payment and/or disbandment of troops in the Provinces, a high military officer deputed by the Central Government and the local commissioner of customs will jointly examine and sign the pay sheets in triplicate, which will be furnished to them by the local military authorities. The aforesaid high military officer and the commissioner of customs will be accorded all necessary facilities for investigation. Of the aforesaid signed pay sheets one copy will be handed to the governor of the Province and the remaining two copies, together with the vouchers relating thereto, will be transmitted to the Ministry of Finance in Peking, who will hand one signed copy to the audit department.

6. The funds for disbursement will be in the hands of the commissioner of customs, who, in order to save the expenses of the unnecessary transfer of funds, will be entitled to employ the customs revenue collection for disbursement, after the same has been duly released by a corresponding transfer by order of the auditors from the funds of the provisional advances to the inspector general of

customs account in Shanghai. If there should be any deficit in the sum required by the commissioner of customs for disbursement it will be made up by a remittance from the funds of the provisional advances under order from the auditors.

7. In case of disbursements for the payment and/or the disbandment of troops in Peking and its neighborhood, a high military officer deputed by the Central Government will cooperate with the auditors in examining and jointly signing the pay sheets in triplicate, and the said high military officer and auditors will be accorded all necessary facilities for investigation. Of the said signed pay sheets in triplicate one copy will be handed to the Ministry of Finance with the vouchers relating thereto and one copy will be retained by the audit department.

PEKING, *May 12, 1912.*

File No. 893.51/913A.

The Secretary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 24, 1912—2 p. m.

Referring to the Department's May 17, 3 p. m., the Department on the 22d instant telegraphed as follows to the American group:

> In response to the American group's request for still further expression of this Government's views regarding the proposed telegram to Peking, the Department can only refer to its communication May 17 to the group, calling particular attention to the reference therein to previous communications, all of which, taken together, appear to give a very complete expression of the views of this Government.
>
> However, to make partial recapitulation, the Department reiterates the view that the proposed measures involve primarily questions for the groups and the Chinese Government, and, moreover, feels that it would not be justified in making any objection provided the proposed arrangements proved acceptable to China and assuming that they were agreeable also to the majority of the other governments.
>
> The Department again calls especial attention to its attitude, repeatedly expressed, as to preliminary advances.

Repeat to London and Berlin.

KNOX.

File No. 893.51/907.

The Chinese Minister to the Secretary of State.

CHINESE LEGATION,
Washington, May 25, 1912.

MY DEAR MR. SECRETARY: I am in receipt of a cablegram from my Government stating that the loan negotiation between the four-power group and the Chinese Government has now reached a critical stage. While the result of the conference of the representatives of the four-power group has not yet been made known, it is feared that if the group persists in its intention to exact unreasonable terms the Chinese Government will be greatly hampered in the discharge of administrative functions and the task of maintaining order throughout the country will be made doubly difficult. The traditional policy of the Government of the United States toward China has invariably been one of justice and impartiality, having for its basis the maintenance of the open door and the integrity of China. Moreover the people of the United States have always taken a sympathetic interest in the efforts of the Chinese people to secure a greater degree of prosperity and peace, as evidenced by the concurrent resolution of Congress congratulating the people of China upon the establishment of the Republic. Relying therefore upon the sincere friendship between the United States and China, I have been instructed to appeal to your excellency to use your good offices so that the negotiation between my Government and the four-power group may reach a satisfactory conclusion.

Please accept [etc.]

CHANG YIN-TANG.

File No. 893.51/913B.

The Acting Secretary of State to the American Ambassador to France.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 27, 1912—2 p. m.

Refer to Department's telegrams May 17, 3 p. m., and May 24, 2 p. m. Is there anything to report as to the attitude of the Government to which you are accredited?

Repeat to embassies at London and Berlin.

HUNTINGTON WILSON.

File No. 893.51/908.

The Chinese Minister to the Secretary of State.

[Memorandum.]

CHINESE LEGATION,
Washington, May 27, 1912.

Throughout the loan negotiation with the four-power group the Chinese Government has invariably maintained a conciliating attitude. When on the 29th of February disorder broke out among some mutinous soldiers at Peking the Government, being in urgent need of funds, requested the group to make an immediate advance, and failing to secure such an advance after having awaited as long as possible the Government was finally obliged to obtain a loan through the Belgian bankers. Yet when negotiation was resumed with the four-power group rescission of this Belgian contract was readily agreed to by the Chinese Government.

Taking advantage of the financial condition of the Government the group pressed for further concessions, insisting upon the supervision over expenditures and disbandment of troops. When these proposals became known the whole country was unanimous in opposition to them.

Finally an understanding was reached through the finance minister whereby the disbandment of troops was to be arranged for through certain Chinese maritime customs officials specially designated by the Chinese Government, [and] provision was made for the creation of a bureau to which two representatives were to be appointed, one by the Board of Finance, the other by the four-power group, to take charge of the accounts pertaining to the advance.

The arrangement made for the disbandment of troops was to cease to operate and the bureau to be abolished as soon as the entire advance is paid over in October of the present year.

As regards the large industrial loan now pending, the Government is disposed to conform to the terms of similar industrial loans previously contracted by China.

While it is not yet fully known what attitude the four-power group will assume as the result of the conference at London, information has already reached the Government that the group intends shortly to bring pressure to bear upon certain American bankers who have made a loan to the Chili provincial government, and other foreign creditors who have made local loans, to ally themselves with the group. If the group decides to carry out its intention in this respect a most dangerous situation will be created, particularly at this stage when the underfed soldiers are clamoring for pay and the local bandits have not yet been entirely suppressed.

There seems to be no question as to China's ability to pay the interest and principal of any large loan she might contract. The salt monopoly alone is expected to yield an increase in revenue amounting to about 30,000,000 taels a year. Therefore it seems unreasonable that the four-power group should insist upon terms which have no direct bearing upon the question of security or mode of repayment.

File No. 893.51/907.

The Secretary of State to the Chinese Minister.

[Aide-mémoire.]

The Department of State was reluctantly compelled to conclude from the information it received that the contract for the so-called Belgian loan signed on March 14 last was a material contravention of the terms of the agreement signed on March 9 with the group composed of American and other bankers, and accordingly instructed the American Minister at Peking to join the other representatives concerned in protesting against the said contract.

Since the cancellation of the Belgian contract by the Chinese Government the Department of State has however, out of regard for its traditional friendship and the critical conditions existing in China, consistently exerted its good offices to induce the interested bankers to advance, on terms mutually acceptable, the sums required to meet the immediate administrative necessities of the Chinese Government pending the negotiation by that Government and the bankers of a comprehensive loan for reorganization purposes.

DEPARTMENT OF STATE,
Washington, May 29, 1912.

File No. 893.51/921.

The American Ambassador to France to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, June 3, 1912—10 a. m.

The following is translation of French memorandum replying to the one contained in your May 27, 2 p. m. [May 18]:

On May 21 the Embassy of the United States was so kind as to make known the sentiment of the American Government regarding the request, such as that of Austria and Italy, for participation in the group of powers, and to express the idea that it should be practical to avoid the semblance of monopoly as well as of excessive foreign interference. On the first point the question is no longer complete. Although the Governments have testified their sympathy with the Austrian request, from a political point of view, the bankers rejected it at the London conference from the financial point of view, which is their province. Moreover, it may be observed in general that Austria is not the only one to formulate a request for participation and, no less than she, would the other demanding powers be disposed to be satisfied with a minor participation.

The guaranties of the bulk loan, the control of the employment of funds, the financial and administrative reorganization of China by the assistance of foreign experts—all these, in the actual condition of China, are obligations imposed upon the markets destined ultimately to support the burden of the loans. Moreover, the French Government has, like that of the United States, the desire to treat with the greatest consideration the Chinese people's feelings and will exert herself to find the formula most acceptable to their self-respect. The question in all its aspects will be examined in concord by the interested powers, since the program of the loan of reorganization will not be left to the dispositions of the bankers, but will form the subject of an agreement between the governments.

HERRICK.

File No. 893.51/926.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, June 6, 1912—1 p. m.

Paris forwards your May 17 and May 24. The German Government is in accord with your expressed views and has so informed the German banking group. Some opposition is being shown by England and France, especially to Austrian participation, and I believe that this is also shared by German bankers. The German Government has expressed no views as to preliminary advances, their disposition being to leave this question to the financial groups.

LEISHMAN.

File No. 893.51/932.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
London, June 10, 1912.

Langley says that the British Government will admit the special rights of Russia and Japan in the regions of Manchuria and Mongolia, but would at the same time affirm the policy of the open door. Langley will at once communicate to Sir Edward Grey your suggestion as to reaching an understanding before the meeting of the 15th.

REID.

File No. 893.51/938.

LONDON, *June 11, 1912.*

Sir Edward Grey thinks it would be a mistake to move about the question of Mongolia and Manchuria until he hears from the Russian and Japanese Governments.

REID.

File No. 893.51/939.

The American Ambassador to France to the Secretary of State,

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Paris, June 13, 1912—12 noon.

Japanese are prepared to sign at once six-group agreement under following conditions: clause 6 to be deleted and minutes of the conference to express the following:

> The Russian group declared that it takes part in the loan on the understanding that nothing connected with the projected loan should operate to the prejudice of the special rights and interests of Russia in the regions of northern Manchuria, Mongolia, and western China, and the Japanese bank declared that it takes part in the loan on the understanding that nothing connected with the projected loan should operate to the prejudice of the special rights and interests of Japan in the regions of South Manchuria and of the eastern portion of inner Mongolia adjacent to South Manchuria.
>
> The British, German, French, and American groups stated that they were not in a position to express their views upon either of these declarations upon the ground that they were not competent to deal with political questions.

HERRICK.

File No. 893.51/940.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, June 14, 1912.

The groups have decided to telegraph Russia to the following effect: Japan has made a proposition which is acceptable to the British, French and German Governments and to all four groups, and upon approval by the American Government she will be admitted, thus making five groups. Definite answer to be received from Russia by June 18, else loan negotiations will proceed without her.

HERRICK.

File No. 893.51/942.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, June 14, 1912.

The Minister of Finance has served written demand on the bankers to answer by June 15 whether or not they will advance 19,000,000 taels more during June; otherwise he will get the money elsewhere. He knows that the bankers cannot answer definitely within the time he has fixed, as they are dependent on the result of the Paris meeting. The ultimatum suggests interference from outside at this end. It is reported that Tong has been conferring with the Russians. Possibly Russia prefers to have the Chinese break with the groups here and thereby relieve her of the onus of forcing a rupture in Paris.

CALHOUN.

File No. 893.51/939.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 14, 1912.

Groups' loan discussion is progressing rapidly. You will impress emphatically upon Chinese Government that any hasty action by China inconsistent with the large plans now pending would be most unfortunate and would not be justified by a few days delay in the next preliminary advance. This is most important.

KNOX.

File No. 893.51/946.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, June 15, 1912.

I had an interview with Tong previous to receipt of your June 14, and pointed out the danger from hasty action, which would play into the hands of those not desirous of China's welfare. He replied evasively. Williams to-day handed the President a note communicating the substance of your telegram, and similar notes have been sent by the British, French, and German ministers. The President told Williams that since the negotiations began three months have passed, during which the groups would neither loan nor permit others to loan; that the present need is too pressing to admit delay, the situation dangerous with revolt of troops in many Provinces and all Government operations blocked by lack of funds; he must have 6,000,000 taels before Wednesday festival which is the general settlement day. He appeared unyielding. There is persistent report here that Russia has arranged a loan of £10,000,000.

CALHOUN.

File No. 893.51/945.

The Secretary of State to the American Ambassador to France.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 15, 1912—9 p. m.

Your June 13—12 a. m. If the other Governments concerned accept the proposed agreement this Government also approves.

KNOX.

File No. 893.51/947.

Paraphrase of telegram received by the Chinese Legation and handed to the Secretary of State June 16.

The President handed down a letter from the American Minister in which the Minister, under instructions from his Government, advised this Government to postpone action on the matter of the advance of the 21,140,000 taels which this Government had requested the financial group to pay over this month, until June 18, when the representatives of the group, at a meeting to be held in Paris, would decide whether or not to make the advance.

It is the custom of our people, adhered to with great strictness, to settle all accounts before our national festival days. The 19th of June is our national festival day and a large sum will be required to pay the troops and meet other expenses in arrears. The disorder in Shantung was due solely to arrears in payment to troops, and the condition here is perilous. But the group still persists in refusing to make any payment before the 19th—the festival day—thus rendering it well-nigh impossible for this Government to maintain order throughout the country.

In view of these facts the American Secretary of State is earnestly requested to use his good offices and cable the representatives of the financial group at Peking urging them to make an advance of 6,000,000 taels in accordance with the previous cablegram, thereby avoiding the necessity for this Government to turn to other sources for relief. As to the balance of 15,000,000 taels a slight delay would cause no serious inconvenience. The situation is most critical.

SEAL OF THE CABINET.
SEAL OF THE BOARD OF FINANCE.

PEKING, *June 15, 1912.*

File No. 893.51/947.

Memorandum of Conversation between the Chinese Minister and the Secretary of State.

DEPARTMENT OF STATE,
Washington, June 16, 1912.

Mr. Chang was told that the Department had again cabled the representatives of the American financial group at Paris urging prompt action be taken in the matter of advances as requested by the Chinese Government. It was also pointed out that while in this respect we had done all that was possible, nevertheless, owing to difference in time, the Chinese Government on its part ought to be prepared for a delay of two or three days, inasmuch as even under the most favorable circumstances the matter would obviously require some little time.

File No. 893.51/953.

The American Ambassador to France to the Secretary of State.

[Telegram.]

American Embassy,
Paris, June 18, 1912—5 p. m.

Russian group, subject to the approval of Russian Government, has signed agreement initialed June 8, from which article 6 has been deleted, and has approved counter declaration suggested by Japanese group, the five groups having agreed to the insertion in the minutes of the following resolutions:

1. In view of the extraordinary conditions now prevailing in China the six groups agree that before concluding any business under article 2 of the agreement the groups will obtain from the Chinese Government exact information as to the nature of the objects for which the loan funds or advances are intended, and will communicate such information forthwith to each of the six groups so that they may be able to consult their respective governments before any loan or advance is concluded, each of the six groups undertaking that it will not entertain business to which its Government may object.
2. Notwithstanding the provisions of clause 2 of the agreement it is confidently hoped that any business done in China will be unanimously approved by the six groups, and each group records its desire and will endeavor to bring about this result.

Herrick.

File No. 893.51/995.

The American Minister to the Secretary of State.

[Telegram.—Extract.]

American Legation,
Peking, June 18, 1912.

The bankers today, on the responsibility of the ministers, agreed to advance another 3,000,000 taels because of the urgent necessity. The situation is one of great stress and suspense.

Calhoun.

File No. 893.51/956.

The American Ambassador to France to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Embassy,
Paris, June 19, 1912.

Russian Government will approve signing of agreement by Russian group if the following is incorporated in the minutes of the meeting:

If the object of any advance or loan under the agreement be disapproved by the Japanese group or the Russian group, but is nevertheless concluded by the other groups or any of them, the Japanese Government or the Russian Government shall notify the other Governments concerned that the said object is contrary to the interests of Japan or of Russia, and the Japanese group or the Russian group shall be entitled thereupon to withdraw from the agreement; but the retiring group shall remain bound by all engagements into which it may have entered prior to such withdrawal. The withdrawal of the Japanese group or the Russian group shall not affect the rights or liabilities of the other groups.

If the foregoing is accepted Russia stands committed and can raise no further question. The Russian proposition has been approved by the British, French and German groups and their Governments. Therefore we are in the undesirable position of holding up the matter. I regard immediate affirmative answer of the greatest importance.

HERRICK.

File No. 893.51/956.

The Secretary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 20, 1912.

I approve your telegram of June 19.

KNOX.

File No. 893.51/957.

The American Ambassador to France to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, June 20, 1912.

The commission has agreed and adjourned. Your June 20 arrived most opportunely.

HERRICK.

File No. 893.51/984.

Draft telegram of Inter-bank London Conference of May 15, 1912, as amended and adopted June 20, 1912.[1]

NOTE. The telegram of May 15, 1912, referred to in the correspondence,[2] especially in relation to its clause 6, was amended and adopted by the bankers at London on June 20, 1912. It authorized advances to the Chinese Government to a total of 80,600,000 taels (approximately £10,000,000), against which the Chinese Government were to issue one-year treasury bills. The advances were also conditioned upon an agreement which should

(1) specify the purposes for which the advances were required;

(2) provide that the revenues pledged as security should be administered by the Maritime Customs or a similar service;

(3) stipulate that the expenditure of the funds should be subject to supervision;

(4) provide that the advances should be considered a part of the large Reorganization Loan for which the groups held the option;

(5) specify the general basis of the proposed Reorganization Loan, substantially as above;

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[1] Subinclosure in a letter from J. P. Morgan & Co. to the Department, dated July 3, 1912.

[2] See pp. 127, 137, 140.

(6) stipulate that the Chinese Government should not make loans with other parties pending the issuance of the Reorganization Loan;

(7) contain a force majeure clause.

The Chinese Government was also to agree that the groups should act as financial agents of the Government for a period of five years.

File No. 893.00/1347.

The American Minister to the Secretary of State.

[Telegram.—Extract.]

American Legation,
Peking, June 24, 1912—10 p. m.

Bankers to-day submitted plan sent from London for supervision and control of loan expenditures, including foreign administration of salt gabelle, to the Minister of Finance. The plan was emphatically rejected. It is not anticipated that any adequate control can be secured. Apparently groups will have to break off negotiations for a while at least.

Calhoun.

File No. 893.51/969A.

The Acting Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

Department of State,
Washington, June 26, 1912—1 p. m.

Informally inquire what attitude is likely to be taken by the Foreign Office toward the loan negotiations now proceeding at Peking; especially whether some steps will not be taken to insure the further advances that may be needed by China while the negotiations are in progress.

Repeat to Berlin.

Huntington Wilson.

File No. 893.51/969.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Embassy,
London, June 27, 1912—7 p. m.

Department's June 26, 1 p. m. In view of the arrangement of their internal questions now reached by our respective groups of bankers, Sir Edward believes it important for their Government to come to an early understanding as to when and how far they could assume responsibility for large loans to China to be advanced under present circumstances. He thinks it essential that such loans should only be for purposes distinctly tending to secure order rather than for other schemes, however desirable—internal improvements, currency reforms, etc.—and hopes the Governments concerned will soon agree to this among themselves. Chinese talk about immediate loan for sixty millions seems to him merely an academical proposition, and Government had no right, by encouraging bankers to make such loan, to incur any responsibility for helping to collect it.

REID.

File No. 893.51/971.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, June 29, 1912—12 noon.

Your June 26, 1 p. m., via London. German minister at Peking instructed that if the other powers do not consent to loan without insisting on conditions of foreign control of its expenditure he is to conform. German Government will support no further advances unless the Chinese accept the conditions of control.

LEISHMAN.

File No. 893.51/977.

The British Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

BRITISH EMBASSY,
Kineo, Me., June 30, 1912.

British minister in Peking has been instructed, if similar instructions are received by his colleagues, to inform the Chinese Government that powers would not approve of any loan by their nationals except on the general lines laid down in conditions stipulated in the telegram sent by the groups on May 15, to which the British Government had provisionally assented. The British Government does not attach particular importance to the financial-agency scheme, as its only object is to insure wise and effective control of expenditure, whether through an agency or otherwise.

MITCHELL INNES.

File No. 893.51/978.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, July 1, 1912.

The Chinese Government has reduced the amount of the proposed loan to £10,000,000, expecting relaxation of supervision. The British Minister informs me however that his Government refuses to relax the conditions even for the reduced amount. Similar information as to the attitude of the French Government.

CALHOUN.

File No. 893.51/1015.

The American Minister to the Secretary of State.

[Extract.]

No. 588.]

AMERICAN LEGATION,
Peking, July 2, 1912.

SIR: * * * The opinion is entertained by my colleagues interested in the proposition and by the bankers as well, and I agree with them, that the Chinese will not submit to or accept the terms imposed by the bankers. It is evident that in the present temper of the people violent and widespread opposition to the large measure of control and supervision required will be manifested, even though the authorities here were disposed to accede thereto. And it is undoubtedly true that the Central Government does not have the power to enforce obedience to the terms of the contract, or the courage to attempt it if they had the power. The inevitable result is that a break must soon occur between the Chinese and the banking groups. It may be that the former will be able to negotiate some small loans here and there, but as long as the French market remains closed it is safe to say that no large loan can be floated. Some of the provinces, notably Hupeh and Kwangtung, are apparently taking care of themselves. They have disbanded and paid off a good many troops. They are said to be collecting some taxes. They have reestablished likin stations and are collecting some revenue therefrom. These are the richer, the more prosperous provinces, and no such result can be expected from the country generally. It is to be remarked that the more self-dependent the provinces are, the more independent they become, and the tie that binds them to the central government is thereby proportionately weakened.

The British Minister also called my attention to the fact that the salt gabelle was relied on as the principal security for the proposed loan. He doubted the sufficiency of that security. From the best information he could obtain, the net revenue which the central government had heretofore received was only about 13,000,000 taels per annum; and with no assurance that the Government will receive any larger proportion of it in the future than it has in the past, no increased security can reasonably be expected therefrom. Hence, he said, the important query is, What security have the Chinese to give for the additional loans? * * *

Hsiung Hsi-ling, the Minister of Finance, in his talk with me said there were now about 1,000,000 men under arms, and to disband all but about 400,000 was the purpose of the Government, and the proceeds of the desired loan were to be applied to that end. * * * I told the Minister that we only desired that the proceeds of the loans should be carefully guarded, wisely used and honestly accounted for, so that the money might help China rather than impose a heavy debt upon her without any corresponding benefits. * * *

I have [etc.]

W. J. CALHOUN.

File No. 893.51/978.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, July 2, 1912—12 noon.

Your July 1.

The Department concurs with the British Government in its view that loans to China should not be made without adequate provisions for supervision of expenditures. You may join your colleagues in representations to that effect. By "adequate provisions for supervision" the Department has in mind substantially the bases of the bankers' telegram of May 15 without insistence upon the financial agency.

Knox.

File No. 893.51/986.

The British Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

British Embassy,
Kineo, Me., July 7, 1912.

The French Minister at Peking has been instructed that the French Government consider the best means of obtaining consent of China to proposed conditions is to suspend any advance. The British Minister has been similarly instructed.

Mitchell Innes.

File No. 893.51/989.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, July 9, 1912.

The Premier and the Minister of Finance were informed this afternoon by the six ministers of the instructions received from their several Governments. The reply was that the acceptance of the terms of supervision were impossible; that the National Council will not approve and public opinion will not permit.

Calhoun.

File No. 893.51/999.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
London, July 12, 1912.

The Foreign Office feels that although the position of the American group in insisting on preserving the principle of the reorganization scheme in all future loans is absolutely necessary in theory, there are many practical difficulties in the way. Sir Edward Grey does not wish to insist on a plan too onerous for China at this juncture, which might lead to renewed trouble between the Central Government and the Provinces. He thinks that by imposing proper conditions and safeguards on independent loans, China may be helped to preserve order; after which the general reorganization scheme could be taken up.

REID.

File No. 893.51/1006.

The Chinese Minister to the Secretary of State.

[Extract.]

LEGATION OF CHINA,
Washington, July 15, 1912.

MY DEAR MR. SECRETARY: Under instructions from my Government I have the honor to transmit for your information the following statement relative to the loan negotiations between my Government and the international syndicate:

[The statement begins with a reference to the delays caused by the international syndicate, and concludes as follows.]

Since the establishment of the present Government its financial needs have been so pressing that its stability was endangered by the delay on the part of the syndicate. Now that the syndicate has failed to conform to the arrangement agreed upon on March 9 covering certain advances for June and July, this Government is unable to wait any longer. There has been vigorous opposition by the people to the terms of the syndicate, whose chief object is to place itself in the position of financial agent for the Government, thus securing complete control of the nation's finances. In view of the earnest desire of this Government to invite foreign capital for the development of natural resources, it would be mutually advantageous for the foreign Governments to withhold their support from this syndicate in its attempt to establish a financial monopoly.

Accept [etc.]

CHANG YIN TANG.

File No. 893.51/1028.

The American Minister to the Secretary of State.

[Extract.]

No. 598.]

AMERICAN LEGATION,
Peking, July 15, 1912.

SIR: Referring to the instruction expressed in your telegram of July 2, 12 noon, I have the honor to report that when the British minister was informed that all the six ministers interested in the pending loan negotiations had received instructions from their respective Governments upon the subject, he called a meeting of such ministers for the afternoon of July 8, at the British legation. * * *

It was then agreed by the ministers that the instructions received were directory in their terms, and, therefore, required that the ministers formally notify the Chinese in accordance therewith.

On July 9 the six ministers went together to the Waichiao Pu, where they were received by Mr. Lou Cheng Hsiang, the Premier, and Minister for Foreign Affairs, and by Mr. Hsiung Hsi-ling, the

Minister of Finance. Sir John Jordan, the British minister, addressing his remarks to the Premier, spoke substantially as follows:

> Our respective Governments have instructed us to inform your excellency that they can not approve of any loan being made to the Chinese Government by their nationals except upon the general lines of the conditions which are understood to have already been communicated by the representatives of the six groups to his excellency the Minister of Finance.

The Minister of Finance said it was impossible to accept the terms proposed. He had hoped that the ministers would induce or advise the bankers to relax the conditions specified in favor of a lesser loan of £10,000,000. He referred to Prince Ch'ing, who made a railroad contract contrary to the wishes of the people, and the result was a revolution. The same fate, he said, will attend the present Government if it disregards the will of the people.

The British minister then asked the Minister of Finance if the ministers present were authorized to inform their respective Governments that the Chinese Government refused to accept the terms of the proposed loan. Without directly replying to the question, the Minister of Finance turned to the British minister and asked him personally to use his influence to induce the bankers to relax their terms. He said the British minister had been influential in bringing about peace between the north and the south, and it was hoped that his like good offices would be used to induce the bankers to relax their terms. Sir John Jordan said he had no authority to do so. After a few general remarks the meeting adjourned and the foreign ministers left the conference.

I have, etc.,

W. J. Calhoun.

File No. 893.51/1012a.

The Secretary of State to the American Ambassador to France.[1]

[Telegram.—Paraphrase.]

Department of State,
Washington, July 18, 1912.

Until there is some material change in the situation, the Department believes the interests both of the lenders and of China would be best served by the several Governments standing firmly by the joint representations made on July 9. But if China finds itself unable to accept the conditions then laid down, it should be left free to make other arrangements to meet its immediate requirements. You may so inform the Government to which you are accredited.

Knox.

File No. 893.51/1012.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, July 22, 1912.

The Chinese Government has borrowed from Diederichsen & Co., a German firm, 3,000,000 taels, 15 years, 6½ %. Security, likin and tea.

Calhoun.

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[1] The same to the Embassies at London and Berlin.

File No. 893.51/1013.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, July 23, 1912.

In reply to your instruction of July 18 through Paris. The Acting Minister for Foreign Affairs, Zimmerman, informs me that the German Government is strongly opposed to the second clause of your telegram, as to leaving China free to make other arrangements to meet her immediate requirements, as it would almost certainly lead China to be dilatory in settling the main question of control, and would probably result in the hypothecation to irresponsible bankers of valuable national assets and thus further hamper future action by the powers. He considers complete control imperative in the interests of China herself as well as the world, and expressed the hope that our Government would remain firm.

LEISHMAN.

File No. 893.51/1014.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, July 24, 1912.

The Chinese Government has asked the Baldwin Locomotive Works for a loan of £300,000 for five or eight years on condition that during that period China purchase locomotives to the same amount. The Baldwin agent here wishes to know the attitude of the American Government. I call attention to the negotiations proceeding with various commercial houses, probably without the consent of their Governments, which seem likely to secure for Europe for some years to come Chinese markets in which the United States is interested.

CALHOUN.

File No. 893.51/1014.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 25, 1912.

As long as the other Governments concerned do likewise, the Department must adhere to the position stated in the instruction to you dated July 2. In other respects the company must use its own discretion.

KNOX.

File No. 893.51/1032.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, August 10, 1912.

It is the opinion of the six ministers that in view of rumors of loans to China uniform action is desirable, and that in case the Foreign Office notifies a minister that any of his nationals have made a loan approved by the Central Government and requests the minister to take note and inform his nationals concerned thereof, if such loan be upon other conditions than those already approved by the six powers the minister shall reply in writing that he can not act as requested because the loan is not based upon the conditions approved by his Government. Has this the approval of the Department?

CALHOUN.

File No. 893.51/1032.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 10, 1912.

See the Department's July 2. Provided your colleagues receive similar instructions the Department approves.

KNOX.

File No. 893.51/1049.

The French Chargé d'Affaires to the Secretary of State.

[Memorandum left at the Department of State September 4, 1912.]

According to information received from the Legation of the French Republic at Peking, the German firm Diedrichsen has just obtained a concession for the Peking tramways providing an advance of 8,000,000 marks to the Chinese Government. This business, first offered to the Russo-Chinese Bank, was refused by it owing to its financial character, as being contrary if not to the text at least to the spirit of the agreements between the financial groups of the consortium, sanctioned by the Governments.

On the other hand the German Government, undoubtedly foreseeing business of this kind, thought it proper in instructions given to its Minister in China to distinguish between financial loans and those bearing an industrial character, German subjects being free, at his discretion, to contract loans of the character last mentioned.

The matter being thus, the French Government instructed its Ambassador in Berlin to make it clear to the Imperial Government that the said instructions are not, in the opinion of the French Government, in accordance with the financial agreements which France made it a point for its nationals to respect in the most rigorous way, as has been proved in the Cottu loan, which is similar in every respect to the Diedrichsen loan.

The French Government has instructed the French Embassy to ask the United States Government whether, should the American Government share its views in this matter, they did not think it fit to give their Ambassador in Berlin the same instructions as those given to M. J. Cambon.

File No. 893.51/1049.

The Acting Secretary of State to the American Ambassador to Germany.[1]

[Telegram.—Paraphrase.]

Department of State,
Washington, September 11, 1912.

The French Chargé d'Affaires states that the French Ambassador at Berlin has been instructed to point out to the German Government that the concession sought by a German firm for the Peking tramways, providing also for an advance to the Chinese Government, is not in accordance with the financial agreements sanctioned by the six Governments.

If your interested colleagues are instructed in the same sense you may cooperate with them by informing the Minister for Foreign Affairs that this Government has on several occasions expressed concurrence with the other interested Governments in the view that no loans should be made to China without adequate provisions for the supervision of expenditures substantially on the bases of the bankers' telegrams of May 15–June 20. This position was confirmed by the proposal recently initiated by the six ministers at Peking, that each before approving of any loan should be assured that its provisions as to control are satisfactory. In this connection the last paragraph of the Department's note to the German Ambassador of February 3, 1912, is appropriate.

American firms desirous of engaging in business of this character have uniformly been deterred because the Department, mindful of the international understanding regarding loans to China, deemed that in addition to insistence upon proper control it would be unwise to encourage any provincial or municipal loans until more stable financial conditions have been established in China.

Huntington Wilson.

File No. 893.51/1051.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, September 11, 1912.

The Chinese Government is reported to have signed a preliminary agreement for a loan of £10,000,000 secured on the salt gabelle, with Lloyd's Bank and Union of London and Smith's Bank.[2]

Calhoun.

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[1] Repeated to the missions at London, Paris, St. Petersburg, and to Peking for repetition to Tokyo for their information.

[2] This is later known as "the Crisp loan" (C. Birch Crisp & Co.); references to it occur at pp. 152, 158 and later; officially it was "The Chinese Government 5 per cent Gold Loan of 1912."

File No. 893.51/1051.

The Acting Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 11, 1912.

Peking telegraphs as follows:

[Telegram September 11 from the American Minister.]

You will mention this report at the Foreign Office and discuss it in connection with the reported German loan (see Department's September 11 to Berlin). The Department has no doubt however that the British Government will uniformly deter its nationals from any loan to China inconsistent with the policy as to which our two Governments are in accord.

HUNTINGTON WILSON.

File No. 893.51/1066a.

The Acting Secretary of State to the American Ambassador to France.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 17, 1912.

Regarding the proposal of the British group that negotiations with China for the reorganization loan be resumed, and also their suggestion in connection therewith that a modification of the loan terms agreed upon at the Paris conference be considered, the Department on the 12th instant informed the American group that it had no objection to interpose to the proposal as a present expedient and without prejudice to what may prove the wisest course in later eventualities; also that the Department attaches the greatest importance, first, to the preservation of the financial understanding among the powers; second, to leading China to the acceptance of reasonable and adequate supervision of expenditures. In advancing these two aims the Department would welcome any transaction good in itself and tending toward ultimate broad financial reform in China, but would not think it wise to discourage a plan otherwise acceptable simply because it did not go the full length of broad financial reorganization. Moreover the Department assumes that any alternative suggestion that the Chinese Government may see fit to make, and which should include adequate and reasonable terms of supervision, would be carefully and sympathetically considered by the group.

HUNTINGTON WILSON.

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[1] For repetition to London, Berlin, St. Petersburg, and to Peking for repetition to Tokyo.

File No. 893.51/1059.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
London, September 19, 1912.

Foreign office remains firm in its intention to discourage as far as possible the new £10,000,000 loan and does not intend to acknowledge the note from the Chinese Legation announcing signature to this loan.

REID.

File No. 893.51/1070.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, September 25, 1912.

The agents for the new London syndicate yesterday paid the Chinese Government £500,000 on the proposed loan of £10,000,000, according to information given me by the British Minister, who says that his Government instructed him to protest, but that he had no ground on which to base a protest. The British Foreign Office is much embarrassed by attacks upon it for its support of the Hongkong Bank to the exclusion of all other British financial interests, and the Minister feared its effect. The proposed loan, if floated, will more than absorb all possible revenue securities, it is believed here, and the sextuple group would then have no excuse for its continuance. The bankers suggest that the six ministers jointly warn the Chinese that if they go on with the London loan the bankers will demand repayment of advances already made out of its proceeds.

CALHOUN.

File No. 893.51/1070.

The Acting Secretary of State to the American Minister.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 26, 1912.

Your September 25. The Department attaches the highest importance to the broad principle of international cooperation and concerted action; in pursuance of a policy harmonious with that principle and looking to the best interests equally of China and the other powers, the Department believes China must adopt adequate measures of supervision and control; in the Department's opinion the work of the six-power groups is a most valuable factor in the application of that policy and in connection with those measures; and the Department would be greatly disappointed if the present confusion should seriously interfere with the success of that policy.

The Legation will regard the foregoing as fundamental and will use every effort to combat anything tending to jeopardize a policy of long standing and so clearly set forth in previous instructions.

The initiative in any joint protest may well be left to Great Britain. Among possible bases of protest it may be opportune to consider the moral obligations of China and the effect of the recently negotiated loan upon the Hukuang Railway bonds, upon the currency-reform loan, and upon China's credit in the future and its ability to meet its international obligations, which may be pressed at any moment.

HUNTINGTON WILSON.

File No. 893.51/1075.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
London, September 26, 1912.

The British request for the cancellation of the new loan has been positively refused by Yuan Shih Kai.

REID.

File No. 893.51/1076.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, September 27, 1912.

Consulate at Canton telegraphs that Los Angeles firm have arranged a $5,000,000 loan with the Government of the Province, secured by provincial direct taxes, primarily on land. Assembly has approved.

CALHOUN.

File No. 893.51/1083.

The British Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 192.]

BRITISH EMBASSY,
Kineo, Me., September 28, 1912.

SIR: With reference to previous correspondence on the subject of the Chinese loan I have the honor to inform you that my Government learns from His Majesty's Minister at Peking that the Chinese Government have broken off negotiations with the six-power consortium. The issue of the prospectus of a loan of ten millions by a London financial house has immediately followed this action, subscriptions for half the loan having been invited in London on the 27th instant. * * *

In justification of their action the Chinese Government declare that the unbending attitude of the groups has made it impossible to arrive at any settlement; that they regard as unacceptable the original conditions demanded by the groups, and the latter categorically refuse to consider any modifications of their conditions. * * *

His Majesty's Government are of opinion that a relaxation of conditions would be justified by (1) the indications of improvement in the general situation in China; (2) the evident determination of the Chinese Government at all costs to resist any proposal that the pledged security be subject to foreign administration; (3) the fact that it is already agreed to substitute a reduced loan for the £60,000,000 loan already contemplated, a circumstance which would justify a less stringent system of control.

His Majesty's Government pledged themselves to give to the groups their exclusive support in and during the negotiations, the definite failure of which has completely changed the situation. In view of the altered circumstances the powers will no doubt continue to withhold their support from any loan floated by their respective subjects unless adequate security and suitable guaranties for the proper expenditure of the proceeds are given. As a condition of approving any such loan they will also insist upon the repayment to the groups of the advances already made. But if the possibility of an agreement with the groups be precluded there could be no question of forbidding China to obtain financial assistance on any terms from outside. His Majesty's Government would find it difficult to defend such a prohibition even in theory, while it would, as is clearly demonstrated by the present regrettable experience, be ineffective in practice.

It is therefore for consideration whether the groups should not make a last effort to come to terms with the Chinese Government. The British group in London do not consider the latest Chinese proposals unreasonable and they are surprised and deeply regret that these proposals were summarily rejected at Peking without any reference home. The British group in London are now urging the other groups to reopen immediate negotiations at Peking on the basis of the proposals of the Chinese Government, and it is the hope of His Majesty's Government that the Governments concerned will speedily approve this course, since unless an agreement is concluded without delay there will be no alternative but the final abandonment of the negotiations, with the consequences already indicated.

I have [etc.]

A. MITCHELL INNES.

File No. 893.51/1083.

The Acting Secretary of State to the Ambassador of Great Britain.[1]

DEPARTMENT OF STATE,
Washington, October 4, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note No. 192 of the 28th ultimo, which concludes with an intimation that His Britannic Majesty's Government hopes that the other Governments concerned in the international understanding with regard to the Chinese loans may early approve the reopening of negotiations by the representatives of the groups at Peking on the basis of the most recent proposals of the Chinese Government.

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[1] Copies mailed to Paris, Berlin, St. Petersburg, and, for their information, to Tokyo and Peking.

I receive your excellency's communication as inviting a statement of the position of the Federal Government upon this particular point, but the extreme gravity of the questions involved, like the extensive context of this one phase thereof, makes me feel it my duty first to attempt some broader elucidation of the views of this Government upon the general subject and upon some of the other points set forth in your excellency's note under acknowledgment.

The Government of the United States would be sorry to discover in the real position of the British Government any material divergence from the accordant fundamental views hitherto shared by both Governments with so happy effect, I believe, upon the common interest and the general course of events. The exchanges of views between first the four and later the six Governments, the painstaking negotiations with successive Chinese Governments, and the tireless efforts of the bankers of the six groups, have extended in one form or another over a period of three or four years. The result has been an agreement between the powers upon the broad principle of international cooperation and concerted action in favor of international loans to China upon thoroughly sound and helpful bases as best alike for China and the powers, the six Governments being in accord upon the principle of insistence upon adequate provisions for audit and control of expenditures which shall have the effect of protecting China from improvident extravagances, of maintaining China's credit, and of assuring the value of bonds to be issued.

Attaching the most serious importance to what has thus been accomplished, and recognizing not only the good results already obtained but looking also to the great potentialities of future benefit from a continuance of this policy, the Government of the United States could hardly conceive for a moment of considering the question of abandoning so momentous and far reaching a policy merely because confronted from time to time with some temporary embarrassment or untoward incident.

China's rejection of the proposals of the groups, so far from being regarded as definitive, was unhesitatingly assumed by this Government to be nothing more than a not unnatural occurrence in the give and take of a negotiation whose very importance and intricacy would suggest most thorough deliberation and long duration. The rejection by the groups of China's counterproposal was quite similarly regarded by the Government of the United States.

As for the recent London loan, the Government of the United States appreciates fully the difficulties met by the British Government in seeking to deter its nationals from making loans to China inconsistent with the international understanding thereon and is very sensible of the great efforts made to that end. The information that has reached the Department has seemed to indicate that, doubtless due to the attitude of your excellency's Government, the success of that loan has been so slight as to make it at least as likely to operate in the future as a deterrent to future efforts to break down the principles which the powers have deemed it wise to favor in regard to Chinese loans as it would be to operate as an opening wedge for the breaking up of the international agreement. Moreover, while regretting, as does your excellency's Government, the inconvenience caused by that incident, the Government of the United States has felt every confidence in the ability of your excellency's Government ultimately to minimize any bad effect upon the fixity of the principles laid down, and this Government still hopes that, through bringing about a broader participation of divers British interests or by some other expedient which may suggest itself, your excellency's Government may still find itself as fully able to deal with this situation as have the other Governments of the six-power group been able able to deal with corresponding situations which have arisen in this country and elsewhere.

Indeed, the Government of the United States sees in the present situation no reason whatever why the international understanding should not continue quite as strong and effective as hitherto, Holding these views, this Government would be surprised to interpret as reflecting more than the temporary anxiety of the British group any suggestion that instant action is necessary to save the situation, that only one more effort could be made, or that there is any valid reason for an abandonment of the principles to which the six Governments and the six groups have agreed to adhere.

To return to the suggestion that the bankers should resume negotiations upon the basis of the latest counterproposal of the Chinese Government, the Government of the United States has no reason to doubt that the American group have been and still are quite ready to take any opportune occasion to resume discussions upon any reasonable basis. Inasmuch as the Chinese counterproposal appears to go rather far in the direction of admitting in principle the ideas of supervision and control of expenditures, it may be possible that something like that counterproposal could be taken as the point of departure in a resumption of discussions between the Chinese Government and the representatives of the bankers, especially if the Chinese Government would offer some satisfactory provision, corresponding to the option previously asked, which would assure absolute protection of the security previously given, or by other means give sufficient guaranty of the stability of the bonds which the six-power group might be asked to take from China.

I am unable to perceive that the size of a loan which might be proposed should affect the principles for which the powers contend and I am impressed with the desirability for the sake of the credit of China of establishing a precedent for conservative and safe provisions. The Department's advices indicate no change in the general situation in China of a character to affect its view of the importance of principles which are a part of the international understanding; nor is the Department prepared to believe that the ability of China just now to borrow a small amount on its own terms can, in view of the large financial needs of the future, place it in a position long to resist proposals involving principles upon which the six powers deem it their duty to insist.

Believing that your excellency's Government would be the first to deplore any rash or unnecessary abandonment of a great and useful policy, I hope that your excellency will be good enough to impress upon His Britannic Majesty's Government the great importance attached by the Government of the United States to the existing common accord.

In regard to the specific question raised by your excellency's note, I am happy to assure you that the Government of the United States will be glad to intimate to the American group the desirability of their holding themselves in readiness to resume at any opportune time discussions upon any basis generally consistent with the principles of the international accord and tending toward ultimate broad financial reform in China.

In making this response I trust it is unnecessary to say that the Government of the United States must rely upon your excellency's Government to make sure that no temporary exigency of the British group shall be allowed to jeopardize negotiations in which so many powers are so greatly interested and for the success of which surely the most patient efforts and much time would be well spent, while the lack of these could so easily make comparatively futile the work of so many years.

I have [etc.],

HUNTINGTON WILSON.

File No. 893.77/1229.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, October 5, 1912—3 p. m.

On September 30 the Belgian company that constructed railway Kaifeng to Honan signed a new contract to build line from Haichou via Kaifeng to Lanchou, in Kansuh, for 215,000,000 francs, the railway to be security. When contract ratified, 5,000,000 taels will be paid China, nominally to purchase line already constructed.

CALHOUN.

File No. 893.51/1156.

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 645.] *Peking, October 22, 1912.*

SIR: I have the honor to report that the concession granted by the Chinese to the Belgians for the railroad from Lanchow in Kansu to Haichow on the sea continues to be a matter of interest and has had a disturbing effect upon the minds of the local representatives of the sextuple groups. They fear that a general campaign for concessions is about to be inaugurated by outsiders, which will prove detrimental to the interests of the groups in more ways than one.

The groups are in an embarrassing position. The conditions they imposed for the reorganization loan, so called, were approved by their respective Governments. They do not believe it safe or expedient to modify these conditions in any material degree and will not do so unless their Governments consent. Both the bankers and the powers supporting them, although actuated by different motives, are really working to the same ends. Those ends are: the control of the amount of the indebtedness that China is to contract, so as to avoid financial improvidence and national bankruptcy; the reform of the administration of the revenue pledged as security for the proposed loan, so as to make it efficient for that purpose; and the supervision of the expenditure of the loan proceeds, in order that they may not be wasted or applied to private use. These ends are in the interest of the Chinese people and serve to promote and preserve their national integrity.

The Chinese object to the proposed terms and conditions. They want no control, no supervision, no auditing or accounting. They admit the present inadequacy of the security offered—the salt revenue—and the necessity for its reform; but they want to reform it in their own way and at their own convenience. They are now hostile to the groups and have broken off all negotiations therewith, and there is now no prospect of the renewal of the same in the near future. In the meantime other parties have come into the field and made loans and obtained important concessions. The largest of these loans—that of the London syndicate—is made upon the same security previously offered the groups. In this London loan contract there is no provision for supervision of expenditures or for the audit of accounts or for improvement of security pledged. If this and other loans made were sufficient to supply China's needs perhaps the powers supporting the groups, and the groups themselves, would have no right to object. But unfortunately they are not large enough; they are, so to speak, "a mere drop in the bucket" or only a modicum of what China needs and must have. Therefore, instead of helping the Chinese out of their difficulties or clearing up the situation, these loans only make it worse. This London loan in particular adds to the burden imposed upon the salt revenue, increases the volume of securities to be thrown upon the market, and makes it that much harder to float any subsequent issue. And, what is worse, it demoralizes the Chinese and intensifies their opposition to the groups, to whom they must probably come in the end for the full measure of relief they require.

The Belgian concession evidences a return on the part of the Chinese to a policy which it was supposed they had irrevocably abandoned, that is, giving concessions instead of making straight loans. * * *

Under these conditions it is not strange that the local group representatives should feel a little nervous; * * * they are blocked on the reorganization loan and are thereby prevented from competing for industrial contracts on the joint account, and the combination agreement prevents them from acting on their individual account. In the meantime they are exposed to flank attacks by loan promoters and concession hunters.

It is doubtless true that if the groups remain firm, if the powers continue their exclusive support, and if the French market remains closed to these outside or sporadic loan issues, these loan promoters can not go very far in their efforts; their operations will be necessarily confined to rather narrow limits. But whatever they do, whether much or little, only serves to demoralize the Chinese and make them that much harder to deal with. * * *

I think the reasonable probabilities are that if the pending deadlock continues much longer, if other concessions like the one given the Belgians are granted, and if other loans like the one made by the London syndicate are effected, the tie that holds the groups together will break and a dissolution of the groups will result.

I have [etc.]

W. J. CALHOUN.

File No. 893.51/1118.

The Secretary of State to the American Minister.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 30, 1912.

The Japanese Government suggests that the groups should instruct their representatives to consult with the six ministers at Peking with a view to determining what terms are absolutely indispensable as well as practicable for the proposed reorganization loan. This suggestion has been approved by the British Government and the British and American groups have concurred. The American group understand that the findings of the financial representatives will of course be referred to their principals for final approval.

KNOX.

File No. 893.51/1129.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
No. 217.] *Washington, November 2, 1912.*

SIR: With reference to your note of the 30th ultimo respecting the Chinese loan I have the honour to inform you that I have today received telegraphic instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that the powers having concurred in the proposal of the Japanese Government, the British, French and Russian Ministers at Peking and their groups have been instructed accordingly.

I have [etc.]

JAMES BRYCE.

INDEMNITY PAYMENTS.

File No. 493.11/362.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 24, 1912.

A request of the Chinese Government has been informally made by the Chinese Minister for the postponement for one year of settlement of the unpaid indemnity installments due from November 1911 to December 1912. This Government is not disposed to object if postponement is necessary and provided similar instructions are received by your colleagues.

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[1] For repetition to Tokyo. Same to the Embassies at Paris, London, Berlin, and St. Petersburg.

HUNTINGTON WILSON.

File No. 493.11/364.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, December 28, 1912.

Postponement of indemnity payments considered yesterday by diplomatic corps. German, Japanese and American Ministers authorized to consent provided all colleagues did likewise. French Minister authorized to consent provided the Chinese effectively reorganized their finances. Russian Minister instructed to refuse to consent. British Minister without instructions. Answer of British uncertain because of increasing strain over Tibet and opium question. No further action taken.

CALHOUN.

File No. 493.11/366.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, December 30, 1912.

Private suggestion of Dutch and German Ministers that consent be given to extension of indemnity payments provided a majority of the interested ministers agree. I submit the question for your instruction.

CALHOUN.

File No. 493.11/366.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 31, 1912.

Although there is some question as to whether the Department has the authority to sanction the postponement of the indemnity payments, if in the opinion of a majority of the ministers interested postponement should prove unavoidable it is, under the present circumstances, extremely unlikely that this Government will demand immediate payment.

KNOX.

INTERNATIONAL PLAN FOR DEFENSE OF FOREIGN SETTLEMENTS UNDER THE FINAL PROTOCOL OF 1901.

File No. 893.00/544.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 298] *Peking, July 25, 1911.*

SIR: I have the honor to inclose herewith copy of a memorandum of the 21st instant from the British Legation regarding an international plan of defense for the foreign settlements at certain Yangtze river ports in the event of disturbances involving danger to the lives of foreigners [etc.]

As conditions on the Yangtze river have been unsettled for some time and are likely to remain so indefinitely during the period of transition from an autocratic to a democratic representative form of government, and as the American communities in the riverine ports are small and totally unable to take steps adequately to protect themselves in the event of uprisings endangering foreign life and property, I believe it would be prudent to instruct our consuls in those ports to collaborate with their British colleagues with a view to effecting an arrangement for concerted action in defending these settlements. As the American residents in any of these foreign settlements would undoubtedly benefit from any international plan of defense that might be devised, it is obvious that they should bear their full share of responsibility for its maintenance.

In consideration of this question it occurred to me that the views of the admiral commanding the American Asiatic fleet would be valuable to the Department in deciding as to what course of action to pursue, and I have accordingly transmitted to Admiral Murdock a copy of the enclosed memorandum, asking him to transmit to the Navy Department an expression of his views thereon. The distribution of foreign men-of-war on the Yangtze cannot but be a most important factor in any international concerted plan of defense of these settlements.

In referring this question to the Department, I have the honor therefore to recommend favorable action on the inclosed memorandum, and would be pleased if you would inform the Legation of your views and instruct it concerning any course of action deemed necessary or advisable to take.

I have [etc.]

PERCIVAL HEINTZLEMAN.

[Inclosure.—Memorandum.]

The British Legation to the American Legation.

A revised scheme has been under consideration for the defense of the international settlements at the Yangtze ports of Chinkiang, Hankow, Nanking, Wuhu, Kiukiang, and at Amoy, in the event of disturbances involving danger to the lives of foreigners. The suggestion emanated from the British naval authorities, who considered that a concerted plan was necessary in order to enable them to render effective assistance if called upon in an emergency. His Majesty's Government however consider that any such plans would be greatly enhanced if the American authorities were disposed to lend their cooperation in carrying them out. The reports received from His Majesty's consular officers indicate that to a large extent their colleagues at the ports named are already cognizant of the proposed schemes and have signified in principle their approval of them. His Britannic Majesty's Legation has the honour, under instructions from His Majesty's Government, to inquire whether the American Legation would be disposed to instruct its consular officers to discuss further the details of the schemes at the several ports with their British colleagues with a view to completing arrangements for an international plan of action.

PEKING, *July 21, 1911.*

File No. 893.00/544.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 173.]

DEPARTMENT OF STATE,
Washington, September 27, 1911.

SIR: In reply to the Legation's despatch No. 298 of July 25 last, regarding the international plan of defense [etc.] you are informed that the Department is in receipt of a letter[1] dated September 22, 1911, from the Acting Secretary of the Navy approving fully cooperation by the American and British authorities for the purpose above mentioned, and to this end he has instructed the American Commander-in-chief of the United States Asiatic fleet to confer with the British naval authorities and with the American consular officers in regard to the matter.

You will therefore instruct the American consuls at the ports referred to to collaborate with their British colleagues with a view to effecting an arrangement for concerted action in defending the settlements. You may inform the British Minister of this action.

I am [etc.]

HUNTINGTON WILSON.

File No. 893.00/566a.

The Secretary of State to the American Ambassadors to France, Germany, Great Britain, Italy, Japan and Russia, and to the Minister to China.

[Identic Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 14, 1911.

In view of the seriousness of the present disturbance in China this Government contemplates advising its nationals in the affected districts to concentrate at open ports easily accessible to foreign men-of-war. Before taking such action this Government desires to ascertain whether the Government to which you are accredited shares our view as to the advisability of such a step and whether the situation calls for further measures by the powers for the protection of foreign interests.

KNOX.

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[1] Not printed.

File No. 893.00/575.

The American Ambassador to France to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, October 16, 1911.

Your October 14. I could not see Minister for Foreign Affairs personally, but am informed by Chief of Far Eastern Affairs that French Government does not consider present conditions warrant action you suggest. No evidence of danger to foreigners and such action at this time might have a bad effect if premature.

BACON.

File No. 893.00/579.

The American Chargé d'Affaires at St. Petersburg to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, October 16, 1911.

Your October 14. Neratoff informs me that reports from affected districts are most disquieting. Russia has no missionaries there and few business men, at safe points. He thinks, however, concentration of all foreigners at accessible ports highly desirable. In his opinion situation at present does not call for further measures by the powers.

WHEELER.

File No. 893.00/577.

The American Chargé d'Affaires at Tokyo to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Tokyo, October 16, 1911.

Replying to your telegram, October 14, the Japanese Government can not form an opinion as to the advisability of a concentration of American citizens. Regarding protective measures they are considering sending three more light-draft gunboats to the Yangtze equipped with wireless to establish rapid communication between Hankow and Shanghai. For this purpose there must be a vessel at least every 100 miles. It is suggested that several light-draft American gunboats equipped with wireless be sent to the Yangtze to cooperate with the Japanese vessels to keep communication open.

No further action determined upon for the present, and foreign office informs me none will be taken without previously advising me.

Japanese expect severe battle at Hankow within two days; therefore gunboats now there can not be detached for the service elsewhere. Chinese Government have informed the dean of the diplomatic corps that foreign concessions will not be harmed.

SCHUYLER.

File No. 893.00/580.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, October 17, 1911.

The German Government is disposed to share views expressed in your October 14 as to advisability of concentration in open ports; but if such advice be given, considers it prudent to convey it without public proclamation, which might tend to alarm Chinese Government and excite native population. The German Government does not consider the present situation to call for action by the powers beyond the assembling of war vessels already in Chinese waters.

LEISHMAN.

File No. 893.00/581.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, October 17, 1911.

Your October 14. The rebellion not antiforeign. Rebels as well as loyalists disposed to protect foreigners. Except from Hankow and vicinity there seems to be no need for removal of Americans. Steady movement of troops southward. Russians have ordered troops to suppress Hunghutzus in Manchuria.

WILLIAMS.

File No. 893.00/588.

The American Chargé d'Affaires at Rome to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, October 19, 1911.

Your October 14. Foreign Office Monday morning said Italy desires to consult other powers before taking proposed action. Only the views of England received thus far. That country not inclined to take action, thinking matter could be safely left to judgment legations Peking. The Secretary General inclined to agree with this position, but will state position more definitely when views of other powers are known.

WILSON.

File No. 893.00/590.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

No. 882.]

AMERICAN EMBASSY,
London, October 20, 1911.

I am informed that Sir J. Jordan states that he has consulted with the United States Chargé d'Affaires, who agrees with Sir J. Jordan that circumstances do not at present call for the concentration of foreign nationals. The British Minister observes that great difficulties attended a similar step at Chungking when the Szechwan troubles broke out, and that the movement now in progress has no antiforeign character. The risk to foreigners in remaining where they are is, he thinks, scarcely such as to justify the expense and inconvenience of moving them in large numbers to Shanghai. Moreover, the Chinese Government would probably be averse from accepting the responsibility of protecting mission property unless the owners were forced to abandon it by stress of circumstances.

In view of Sir J. Jordan's opinion Sir Edward Grey deems it unnecessary at the present stage to resort to the step contemplated in your October 14.

REID.

File No. 893.00/599.

The American Chargé d'Affaires at Rome to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, October 25, 1911.

Italian Government is not inclined to take any measures in China at present.

WILSON.

File No. 893.00/608.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, October 26, 1911.

Although the Chinese Chargé d'Affaires stated to me last night that the revolution is purely local, confined to northern provinces, with all the south tranquil, Neratoff regards affair in China as very serious, and says the reports to him are that revolution is spreading. He appreciates the good will of the United States, but as no foreign casualties are reported does not deem it expedient to interfere. No Russian vessels have been sent to the scene of disturbance, except one small gunboat.

Otto Franke of Hamburg, Oriental expert, declares the outbreak derives from the ancient hatred of one branch of the Mongolian race for another, rather than from any genuine movement for reform or resistance to oppression.

GUILD.

File No. 893.00/724.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 352.] *Peking, October 26, 11.*

The Department's telegram of October 14, announcing that the American Government was contemplating advising its nationals in the disturbed districts to remove to such open ports as could be protected by vessels of war excited some comment here. On the whole the diplomatic representatives here who were consulted by their Governments were not disposed to approve of the suggestion. The Legation expressed its views in its telegram of October 17. * * * Americans are scattered all over the Empire. Many of them can reach the coast only after journeys of a month or more at considerable expense, and where the whole country is in a state of excitement and unrest it seems to the Legation to be best for those in distant places to remain where they are well known rather than to undertake to reach the coast. In view of the fact that both parties to the conflict are anxious to protect foreigners and their interests there is less likelihood of attacks on Americans than in previous troubles. A general movement of foreigners to the seaports would, furthermore, occasion general alarm and not unlikely induce attacks upon their property. The Legation will of course when danger threatens spare no effort to warn those who can be reached and endeavor to remove to Peking, Tsiensin, Shanghai or other ports those who can reach such ports without encountering greater danger than that which menaces them at their homes. * * *

I have [etc.]

E. T. WILLIAMS.

File No. 893.00/648.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, November 10, 1911.

Arrangements have been made with the Japanese and French to take part in protecting the railway to the sea during the winter provided foreign protection becomes necessary. The British Minister asks whether the American Government wishes to participate. With your consent I will suggest to the admiral sending one battalion of marines to Tientsin.

WILLIAMS.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 10, 1911.

Provided such action becomes necessary, this Government will participate in protection of the railway to the sea, under the protocol of 1901.

KNOX.

File No. 893.00/826.

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 362.] *Peking, November 21, 1911.*

SIR: * * * Some weeks ago the Legation advised Americans in the regions affected by military operations in the provinces of

Chihli, Shansi and Honan to send their families to places of safety. Most of them have done so. Similar action was taken by many consuls whose districts were affected by revolutionary risings.

The increase of lawlessness and the reports of attacks upon foreigners seem to call for a general removal of our citizens so far as possible to ports that are accessible to naval vessels, and on the 18th instant therefore I issued a circular of instruction to the consuls to that effect.

I have [etc.]

W. J. CALHOUN.

File No. 893.00/699.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Peking, November 25, 1911.

It has been finally decided by the diplomatic corps that ministers recommend to their Governments to quietly increase legation guards to maximum under the protocol, which would exercise moral restraint upon natives and substitute cooperation for individual action.

CALHOUN.

File No. 893.00/703.

The Japanese Minister for Foreign Affairs to the Japanese Chargé d'Affaires at Washington.

[Translation, undated, handed to the Secretary of State on November 27, 1911.]

The diplomatic corps at Peking, taking due notice of the latest development of the situation there, has decided, at its meeting of the 23d instant [November], to increase the legation guards there, the extent of such increase to be determined respectively by the various legations on the basis and within the limit of the number of international troops as reduced immediately after the Boxer trouble of 1900–1901. The above decision is only in reference to the guards in Peking. In view however of the fact that in Tientsin Great Britain and France have already some sufficient force, while Russia has lately added 200 men to her force there, Japan has decided to increase on this occasion her force in Tientsin at the same time as in Peking. This is because of Japan's present force in North China being small on account of the withdrawal she made in 1908 of four troops of infantry and one section of cavalry. It is estimated that with the proposed increase the total number of Japanese force in North China will be, including the commander and officers, 1243. Its distribution between Peking and other points is to be determined by conference of Japanese minister in Peking and commander of the guard.

The proposed reenforcing force is expected to arrive at its destination about the 2d or 3d of next month.

You are hereby instructed to communicate the above to the Government to which you are accredited.

File No. 893.00/701.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, November 28, 1911—10 a. m.

I am requesting the Admiral to send 70 more marines for east side of quarter.

CALHOUN.

File No. 893.00/701.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 28, 1911, 5 p. m.

The Department takes for granted that you have informed your colleagues of the action reported taken in your November 28, 10 a. m., and desires to be kept promptly and exactly informed of arrival of foreign troops in China. Yesterday the Japanese Chargé d'Affaires here stated that the Japanese forces in North China were to be increased to 1,243 men, their distribution between Peking and other points to be determined later; also that 200 Russian troops have recently arrived in Tientsin.

You may inform your colleagues that this Government recognizes the obligation imposed by the rights under the protocol of 1901 and will hold at Manila in constant readiness from 500 to 2500 men for despatch on short notice.

KNOX.

File No. 893.00/726.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, November 29, 1911, midnight.

The information contained in your November 28, 5 p. m., correct. Through the mediation of the British Consulate at Hankow and British Minister, a three days' armistice at Hankow has been agreed to.

CALHOUN.

File No. 893.00/881.

[Telegram.—Extract.—Paraphrase.]

Peking, January 3, 1912.

If we send any troops to help guard railroad British Minister says they had better come at once, and advises a regiment. I would not recommend more at present.

CALHOUN.

File No. 893.00/881.

The Secretary of State to the American Minister.

[Telegram.—Extract.—Paraphrase.]

Department of State,
Washington, January 5, 1912.

It is desired to maintain in every way the policy of complete unity of action among the powers. Therefore in regard to the advisability of sending more troops at this time and as to the number, the Department would like to have your recommendations based upon consultation and agreement with your other colleagues as well as the British.

Knox.

File No. 893.00/903.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Legation,
Peking, January 8, 1912.

I did not base my telegram of January 3 merely on British Minister's request but on previous concurrence of colleagues concerned. It is generally understood that we would cooperate. Trouble occurred on section of road allotted to us, therefore British Minister asked about our troops. I have again conferred with colleagues and told them I had again recommended a regiment. All agreed it was proper. British are guarding our section until our troops arrive. I am not insistent on regiment; perhaps a smaller force would suffice. I have explained about troops to Yuan and to Liang Shih Yi, Director General, who both expressed assent, but said they expected to be able to protect the line.

Calhoun.

File No. 893.00/903.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, January 9, 1912.

Communicate[1] the following to the Chinese Government and to your colleagues:

The Government of the United States has been informed by the Legation that the representatives of the powers believed it expedient, in regard to keeping open the railroad to Peking, that the United States should send a regiment comprising some 1,200 men, and that this was acquiesced in by the Chinese Government. The Government of the United States was prepared to take this action in pursuance of the protocols, on the basis of this fresh accord. But it is now informed by the Legation that the situation on the railroad is less acute and that the Chinese Government expects to be able to keep the road open. Consequently the American Government understands that to send only 500 troops will be satisfactory for the present, and orders to this effect have been issued.

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[1] This was done on the 11th, by notes verbales, the text of which was sent to the Department on the 16th in dispatch 398. (File No. 893.00/1039.)

KNOX.

File No. 893.00/1132.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, March 2, 1912—10 p. m.

Paoting-fu looted and many houses burned, including some missions; several foreigners reported killed; telegraph broken. Looting troops started for Peking by train. Tong Shao-yi sent a note to British Minister representing situation as serious and requested the diplomatic representatives to save Peking and prevent bloodshed. Diplomatic representatives agreed that foreigners should not actively intervene, but that in view of prevailing anarchy decided to bring 1,000 troops from Tientsin for restraining effect. English, French, Germans, Japanese, and Russians will participate. I have applied to Arrasmith for 200 men. Tong expressed satisfaction. I have importunate calls for guards from missions here and can use additional troops with good effect.

CALHOUN.

File No. 893.00/1134.

[Telegram.]

AMERICAN LEGATION,
Peking, March 3, 1912—10 a. m.

The 200 American troops have arrived. Serious mutiny, with looting and burning, at Tientsin last night.

CALHOUN.

File No. 893.00/1135.

The American Minister to the Secretary of State.

[Telegram.—Extract.]

AMERICAN LEGATION,
Peking, March 3, 1912—11 p. m.

Riot started at palace of Yuan by regular troops, who next attacked building occupied by Nanking delegation. Police and old style troops joined looting. Considerable portion of city burned. Losses, amounting to millions, fall chiefly upon small tradesmen. Have asked apology for shell that fell in Legation. No attempt until yesterday to suppress disorders. Last night soldiers confined to barracks. The police, mostly Manchus, preserved order.

Chinese authorities have asked consul to take charge with foreign military. Some antiforeign feeling. Hostile force reported approaching Tientsin. All Americans there safe. Mutineers at Feng-

Tai last night fought with other Chinese troops and stopped two railway trains; robbed passengers. This morning they attempted to hold up American troop train but retired upon show of fight by Americans and British railway guard. Yuan appears to be without plans.

CALHOUN.

File No. 893.00/1145a.

The Acting Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 4, 1912—1 p. m.

Reverting to the Department's telegraphic instructions of January 9, 12 noon, arrangement has been made for the present with the War Department that in case you consider it advisable, after consultation with your colleagues, you may, without awaiting further instructions, communicate with the Commanding General, Philippine Islands, informing him that you need additional troops. He has instructions from the War Department to send you from the Philippines, on receiving such notification from you, the remainder of the 1,200 men already provided for. Report to the Department any action you may take on this instruction. Inform your principal colleagues of this instruction.

HUNTINGTON WILSON.

File No. 893.00/1146.

The American Minister to the Secretary of State.

[Telegram.—Extract.]

AMERICAN LEGATION,
Peking, March 6, 1912—4 p. m.

With reference to your telegram of March 4, 1 p. m. After consulting colleagues I have telegraphed for the additional troops.

CALHOUN.

NOTE.—The disturbances having subsided, no further correspondence appears on this subject.

CLAIMS OF AMERICAN CITIZENS AGAINST CHINA. JOINT PROCEDURE OF THE POWERS FOR PRESENTATION OF CLAIMS.

File No. 893.00/1217.

The Acting Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Washington, April 4, 1912.

SIR: I have to enclose herewith for the information and guidance of the Legation copy of an instruction this day addressed to the

Consul General at Hankow regarding the manner of treating claims of American citizens and firms growing out of the recent disturbances in China.

In replying to any requests on the part of the American consular officers in China for instructions as to what action, if any, they may properly take with reference to such claims, you should follow the instructions embodied in the inclosure to this communication.

I am [etc.]

HUNTINGTON WILSON.

[Inclosure.]

The Acting Secretary of State to the Consul General at Hankow.

DEPARTMENT OF STATE,
No. 23.] *Washington, April 4, 1912.*

SIR: The Department is in receipt of your dispatch No. 23 of February 16, 1912,[1] reporting in regard to the massacre of American missionaries in Shensi Province and inclosing copy of a letter from Mr. E. E. Beckman in which he suggests that a proper indemnity be demanded for these outrages.

In reply you are instructed that until the establishment of a stable, responsible government it is not probable that any claim for indemnification of lives lost and for reimbursement of property destroyed during the recent disturbances will be presented to China. All such claims as may be filed with the Consulate General should in the meantime be carefully substantiated and the record in each case preserved in order that, when the Department deems the proper time to have arrived, all claims may be forwarded promptly to the Legation and to the Department for such formal action as the facts and circumstances of the particular claims may warrant.

I am [etc.]

(For Mr. Huntington Wilson.)
WILBUR J. CARR.

File No. 493.00.]

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 513.] *Peking, April 11, 1912.*

SIR: I have the honor to report that at a meeting of the diplomatic representatives held on April 9, 1912, the French Minister referred to the fact that the legations are receiving from their nationals many claims against the Chinese Government for indemnification for losses sustained by them during the recent revolution. In order to avoid diverse or conflicting action on the part of the several legations in the presentation and adjustment of claims Mr. de Margerie suggested that some common procedure should be adopted and followed in regard to them. After some discussion it was agreed to appoint a commission, of which the American Minister was requested to act as chairman, the remaining members to be selected from the secretaries of legation, which commission should examine the claims sent in and formulate certain general principles in accordance with which the legations concerned should take action.

It is not intended that this commission shall pass upon claims nor that it shall determine the amount to be asked. After the principles formulated for the guidance of the legations shall have been accepted by the diplomatic body each legation will proceed to dispose of the claims of its own nationals in accordance with the principles agreed upon.

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[1] Not printed.

In explanation of this action I have the honor to recall to the attention of the Department the fact that in past instances of the presentation of claims against the Chinese Government for losses sustained on account of riots some firms have included in their claim indemnities to Chinese employees. Some have included in the firm's claims those for losses of personal property sustained by members of the firm, while others have separated personal claims from those of the company. In many cases there has been difficulty in determining the amount of compensation for bodily injuries or loss of life, some legations demanding much greater compensation than others.

It is very desirable that there be uniformity of action by the several legations with respect to these and similar questions that may arise in considering the claims presented, and this result can perhaps be secured through the recommendations of such a commission as has been agreed upon.

I have [etc.]

W. J. Calhoun.

File No. 493.00.

The Acting Secretary of State to the American Minister.

Department of State,
No. 250.] *Washington, May 13, 1912.*

Sir: The Department is in receipt of your dispatch No. 513 of April 11 last, and approves of the common plan of procedure proposed by the diplomatic body by which a commission appointed by it shall formulate certain general principles for the guidance of the various legations in disposing of the claims of their respective nationals growing out of the recent disturbances in China.

In this connection however you are referred to the Department's instruction of April 4, 1912, relating to the manner of treating the claims of American citizens and firms.

I am [etc.]

Huntington Wilson.

ASYLUM REQUESTED AT THE AMERICAN LEGATION AND CONSULATE AT FOOCHOW; TEMPORARY REFUGE OFFERED.

File No. 893.00/635.

The American Vice Consul at Foochow to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Foochow, (*Received November 7, 1911.*)

The right of asylum may be requested by the mandarins. Instructions requested.

Thompson.

The Acting Secretary of State to the Vice Consul at Foochow.

[Telegram.—Paraphrase.]

Department of State,
Washington, November 7, 1911.

The right of consular asylum is not claimed by this Government, but you may use your discretion as to granting temporary refuge where such is necessary to preserve innocent human life, carefully avoiding action that might appear partisan.

Adee.

File No. 893.00/650.

The American Chargé d' Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, November 10, 1911.

Asylum at the Legation has been asked by the Emperor and Empress Dowager, which I strongly urge be granted.

Williams.

The Secretary of State to the American Chargé d' Affaires.

[Telegram.—Paraphrase.]

Department of State,
Washington, November 10, 1911.

In accordance with the uniform policy of this Government you may at your discretion afford temporary refuge where such is necessary to preserve innocent human life, first ascertaining that your colleagues believe safety of the legation quarter not thereby endangered.

Knox.

SEARCH OF FOREIGN MERCHANT VESSELS BY REBEL FORCES FOR CONTRABAND OF WAR.

File No. 893.00/607.

The American Chargé d' Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Peking, October 26, 1911.

The rebel commanding general, Li, informed consuls October 22 that he will confiscate ships carrying contraband, and gave a list of goods to be considered contraband. The Dean of the diplomatic corps suggests that although General Li has no power to confiscate foreign ships carrying articles not prohibited by treaty with China, foreign shipping companies should nevertheless be advised to abstain from trade in munitions of war until the situation clears. May I concur? Consular body has informed General Li that they have taken notice of his communication.

Williams.

File No. 893.00/739.

The Commander-in-chief of the Asiatic Squadron to the Secretary of the Navy.

[Telegram transmitted to the Secretary of State Dec. 2, 1911.]

U. S. ASIATIC FLEET, U. S. S. RAINBOW,
Shanghai, December 2, 1911.

A communication signed Wu Ting Fang, received through the American Consul General, announces intention to patrol near Woosung and Kiang Yin forts for the purpose of boarding and searching foreign merchant vessels for contraband of war, and threatening seizure and confiscation before prize court if discovered; also requesting that vessels do not anchor near Woosung forts, in order to preserve line of fire. I have replied to the Consul General that, as the rebels are not recognized by the United States as belligerents, I can not allow the seizure of American ships under any pretext; and that, while American vessel will clear line of fire in case of actual fighting, the request to do so while there are not any hostile men-of-war in China involves unnecessary inconvenience to trade guaranteed by treaty with titular Government.

It is currently reported that munitions of war have been carried to Hankow by German steamers.

MURDOCK.

File No. 893.00/747.

[Telegram transmitted to the Secretary of State Dec. 4, 1911.]

SHANGHAI, *December 4, 1911.*

The *Nanshan* fired at from Kiukiang forts; the error has been admitted. I have directed the *Albany's* commanding officer to investigate and if necessary obtain an apology.

MURDOCK.

File No. 893.00/772.

[Telegram.—Extract. Transmitted to the Secretary of State December 12, 1911.]

DECEMBER 12, 1911.

Wu Ting Fang, recognized by all factions as in charge of foreign affairs, has submitted apology for firing upon *Nanshan* and has given assurance of no repetition.

MURDOCK.

ARRANGEMENT BETWEEN THE UNITED STATES AND FRANCE FOR RECIPROCAL PROTECTION IN CHINA OF LITERARY AND ARTISTIC PROPERTY.

File No. 893.54/296.

The American Minister to the Secretary of State.

No. 249.]

AMERICAN LEGATION,
Peking, May 31, 1911.

SIR: I have the honor to enclose herewith copy of a letter dated May 26, 1911,[1] addressed to me by the French Minister here requesting to be informed as to the willingness of the American Government to conclude an arrangement with the French Government by an exchange of notes between our two Legations here for the reciprocal protection of literary and artistic property in China. Mr. de Margerie refers in this letter to the arrangement effected several years since by an exchange of notes between certain of the treaty powers represented at Peking, providing for the protection of their trademarks in China,[1] and encloses copy of the convention of September 14, 1909, between Japan and France, which includes copyright as well as trademark protection in China. The French Minister states moreover that his Government, believing it might be to the common interests of our respective nationals to adopt, as regards the reciprocal protection of intellectual property in China, an arrangement similar to that contained in the Tokio convention, has instructed him to inquire whether the American Government would be favorable to the conclusion of such an arrangement, effected by an exchange of notes between our two Legations.

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[1] Not printed.

While I have thus far received no complaint as to the infringement of American copyrights by foreigners in China, yet it is not at all unlikely that cases may arise at any time, particularly as large numbers of American textbooks are already in use and are gradually growing in favor in the new schools throughout the Empire, and the facilities for their re-publication are afforded by the numerous foreign publishing houses in the treaty ports of China. * * *

In this connection I beg to report that the attention of the Legation has recently been called to a number of infringements of American copyrights by Chinese publishing houses in China. Protection against these infringements is most urgent, and I feel constrained therefore to call the Department's serious attention to the importance of concluding a copyright convention with China. As to the utter inadequacy of Article XI of our present treaty[2] to afford any real protection in China to American literary property the Department is well aware. In my opinion it is only by a new convention that any effectual protection for American copyrights in China can be obtained. Even with the American-Japanese convention of May 19, 1908,[3] and the proposed arrangements with the other foreign treaty powers secured, and even if Chinese subjects were not given to infringing American copyrights, there would still be, in the absence of formal protection against Chinese infringement, the likelihood that foreigners in China would carry out their piracies under Chinese names or through Chinese agents. * * *

I have [etc.]

W. J. CALHOUN.

File No. 893.54/297.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 175.]

DEPARTMENT OF STATE,
Washington, September 29, 1911.

SIR: Referring to the Legation's dispatch No. 249 of May 31, 1911, relative to the inquiry of the French Minister at Peking as to the willingness of the Government of the United States to enter into an arrangement with the French Government for the reciprocal protection of literary and artistic property in China, I have to inform you that the Register of Copyrights, to whom the question was referred, has replied that as the agreement proposed with France is identical with the treaty between the United States and Japan signed May 19, 1908, no obstacles are known to prevent the consideration and conclusion of a similar treaty relating to copyrights between the United States and France.

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[1] See Foreign Relations 1905, p. 169.
[2] See Foreign Relations 1903, p. 97.
[3] See Foreign Relations 1908, p. 521.

You are therefore instructed to endeavor to effect such an arrangement by an exchange of notes with the French Legation on the basis of precedents established for the protection of trademarks among foreigners in China. You will also sound the other legations at Peking in regard to the matter, with a view to concluding similar arrangements with their respective governments.

I am [etc.]

ALVEY A. ADEE.

File No. 893.54/298.

The American Minister to the Secretary of State.

No. 392.]

AMERICAN LEGATION,
Peking, January 5, 1912.

SIR: In acknowledging the receipt of the Department's instruction No. 175 of September 29, 1911, relating to a proposed arrangement with the French Government for the reciprocal protection of literary and artistic property in China, I have the honor to send enclosed copies of the notes recently exchanged with the French Legation following the precedents established for the protection of trademarks among foreigners in China.

I have the honor to state further that if these notes meet with your approval I shall approach the other legations in Peking in compliance with your instruction acknowledged above, with a view to concluding similar agreements with their respective governments.

I have [etc.]

W. J. CALHOUN.

[Inclosure 1.]

The French Chargé d'Affaires to the American Minister.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC IN CHINA,
Peking, December 26, 1911.

MR. MINISTER: Our Governments being desirous of assuring to French and American citizens and subjects reciprocal protection in China of the rights of authors over their literary and artistic productions to the same extent that they are protected in French and American territories and possessions, I have been instructed by the Minister for Foreign Affairs of France to communicate to you the following:

1st. By virtue of the civil and criminal jurisdiction with which they are vested and which they exercise in China, the consuls and consular courts of France are competent to take cognizance of all complaints that may be laid before them relative to the violation of the rights of authorship by persons under French jurisdiction.

2d. Consequently whenever persons under American jurisdiction shall have occasion to address them in order to obtain respect from persons under French jurisdiction of their rights of authorship over their literary and artistic productions, including photographs, the complaints will henceforth be laid, in the first instance, before the consular court, and appeals will come before the appellate court at Saigon or Hanoi.

3d. The citizens of the possessions of the United States of America will enjoy in China the same treatment as the citizens of the United States of America.

4th. Unauthorized reproductions by persons under French jurisdiction, made previous to the first of January next, of literary, artistic or photographic works executed by persons under American jurisdiction, will be withdrawn from sale or circulation in China before December 31, 1912.

5th. Literary and artistic property in France is regulated by the law of March 28, 1897, which approves the convention signed at Berne on September 9, 1896, for the protection of literary and artistic productions, and also by the law of April 15, 1897, which approves the additional enactment and the declaration of May 4, 1896, modifying the convention of Berne.

I will be under great obligation to you if you will kindly take note of the present declaration and will inform me whether persons under French jurisdiction may count on the same legal protection from the consular authorities in China of the United States of America in all that concerns the ownership of literary and artistic productions.

Accept [etc.]

F. GEORGES PICOT.

[Inclosure 2.]

The American Minister to the French Chargé d'Affaires.

AMERICAN LEGATION,
Peking, December 27, 1911.

MR. CHARGÉ D'AFFAIRES AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your note of December 26, 1911, informing me that you have been authorized by your Government to effect with me by an exchange of notes an agreement for the reciprocal protection in China of French and American copyrights for literary and artistic productions.

I have the honor to inform you in reply that I have been authorized to state that henceforth protection will be afforded in China, in accordance with the laws of the United States and on condition of reciprocity, for the copyrights of French literary, artistic, musical or dramatic works, including photographs, duly registered in the United States, against infringement by persons under American jurisdiction. To that end the American courts in China will be competent to hear all such cases presented by citizens or subjects of France.

I have the honor further to inform you that the protection of literary and artistic property in the United States of America is provided for by the act of Congress of March 4, 1909, amending and consolidating previous acts respecting copyright (U. S. Statutes at Large, vol. 35, chapter 320); and that by a Presidential proclamation of April 9, 1910, this protection is extended to works of authors or proprietors who are citizens or subjects of France.

Accept [etc.]

W. J. CALHOUN.

File No. 893.52/6.

REGISTRATION OF THE PROPERTY OF FOREIGNERS IN CHINA.

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 416.] *Peking, February 5, 1912.*

SIR: I have the honor to enclose herewith copy of a despatch from the American Vice and Deputy Consul in Charge at Foochow, dated January 12, 1912, and numbered 563, with enclosures thereto; and copies of telegrams exchanged between the Legation and the Consulate at that port, regarding the requirements of the revolutionary authorities there in the matter of registering the property of foreigners.

The Department's attention is invited to enclosure number 4, being a copy of the Legation's telegram of the 3rd instant to the Consulate at Foochow, in which is communicated the decision of the diplomatic body that property-holding by foreigners is regulated by treaty provision, in which matter consuls can take no action. It will be noted that the Vice Consul in Charge was directed to communicate informally this information to the revolutionary authorities.

I have [etc.]

W. J. CALHOUN.

[Inclosure 1.]

The American Vice and Deputy Consul in Charge at Foochow to the American Minister.

AMERICAN CONSULAR SERVICE,
No. 563 L.] *Foochow, China, January 12, 1912.*

SIR: I have the honor to enclose herewith a copy of a despatch recently received from the Revolutionary Bureau of Foreign Affairs re the reporting of American property.

Although I have answered no despatches except those relating to the actual protection of the life of Americans, and then only by a personal letter, the new Government is constantly sending me despatches. These I am filing and leaving unanswered and have referred all of any importance or interest to the Legation.

Until this Provisional Government is recognized, their statement that "Property not shown in the lists, * * * will not be regarded as foreign property and on no account can foreigners request that the Chinese Government do anything for them in connection with the same", seems a little premature.

All property bought under the old regime was registered at the Yamens or at this Consulate, and was always considered foreign property if foreigners held the deeds thereto. Any change in this procedure seems to me to be a matter for arrangement between the Chinese Government and our Legation. Unless instructed to the contrary I shall continue to maintain this position in regard to American property.

Awaiting any instructions the Legation may have on this point,

I have [etc.]

T. PERCIVALE THOMPSON.

[Subinclosure.]

The Revolutionary Commissioner of Foreign Affairs to the American Vice and Deputy Consul in Charge at Foochow.

No. 13466.] DECEMBER *30, 1911* (*received Jan. 3, 1912*).

SIR: I have the honor to state that I have received a despatch from General Sun reading as follows:

> As I intend to take special care of the Church and foreign property, I have requested the different consuls at Foochow and Amoy to make definite investigations into their respective Church property at Fukien and the property of their respective merchants at the coast ports of this Province. I have also requested them to forward lists of the property to the Board of Foreign Affairs so that the same Board could instruct their subordinates to give universal protection to the foreign property. As to how detailed reports could be had on foreign property, I have requested the different consuls at Foochow and Amoy to consider this matter. I have also to instruct the Board of Foreign Affairs to look into the matter, and prepare lists and request the foreign consuls to report on the lists.
>
> As I have now got the lists ready for use, I beg to forward them to you, and I request that your honor would instruct your missionaries and merchants to fill in the blanks, and when they have done so, that your honor would sign them and return them

to me, so that I could instruct my subordinates to give due protection to the American property. After the investigations on American property have been made this time, should new property be bought and owned by American citizens, they will have to at once report same on lists, so that there will be no property left unreported. As to the property not shown in the lists, the same will not be regarded as foreign property and on no account can foreigners request that the Chinese Government do anything for them in connection with same. I deem it necessary to let your honor know of this beforehand. As records show, I have already forwarded a list to your honor and requested that when your honor have got the Church property etc. put down on the blanks your honor will return same to me. This time, it is General Sun's order to investigate also into the property of foreign merchants at coast ports. Comparing with my last request this carries the investigations further. I am in duty bound to address your honor this despatch and I request that your honor will act accordingly.

[Inclosure 2.]

The American Vice and Deputy Consul in Charge at Foochow to the American Minister.

[Telegram.—Paraphrase.]

American Consulate,
Foochow, January 2, 1912.

Shall I furnish Provisional Government complete list American property signed by consular officer, giving area and full value including improvements, as has been requested?

Thompson.

[Inclosures 3 and 4.]

The American Minister to the Vice and Deputy Consul in Charge at Foochow.

[Telegrams.—Paraphrases.]

American Legation,
Peking, January 3, 1912.

You may give such list unofficially and unsigned.

Calhoun.

February 3, 1912.

In regard to property list requested by revolutionists, the diplomatic representatives have agreed to instruct consuls to inform de facto authorities that property-holding is a treaty provision; that action cannot be taken by consuls; that reference must be had to diplomatic representatives. Informally communicate this.

Calhoun.

The Acting Secretary of State to the American Minister.

Department of State,
Washington, March 30, 1912.

Sir: The Department is in receipt of your dispatch No. 416 of February 5, 1912, enclosing copies of telegrams exchanged between the Legation and the Consulate at Foochow regarding the requirements of the revolutionary authorities there in the matter of registering the property of foreigners.

Your action in instructing the Vice and Deputy Consul in Charge at Foochow in accordance with the decision reached by the diplomatic body: that property holding by foreigners is regulated by treaty provision, in which matter consuls can take no action, is approved.

I am [etc.]

Huntington Wilson.

File No. 893.015/6.

ADOPTION OF A NATIONAL FLAG.

The American Minister to the Secretary of State.

No. 603.]

AMERICAN LEGATION,
Peking, July 20, 1912.

SIR: I have the honor to enclose herewith two copies of a note from the Chinese Foreign Office dated July 13, 1912, quoting an Executive order regarding the national flag, and transmitting copies of designs of naval flags, which are also enclosed herewith, it being thought probable that the Department may deem it advisable to send these designs to the Navy Department. The Commander-in-chief of the United States Asiatic Fleet has been furnished with copies of the enclosures herein mentioned.

I have [etc.]

W. J. CALHOUN.

[Inclosure 1.]

The Vice Minister for Foreign Affairs to the American Minister.

Foreign Office
Peking, July 15, 1912.

SIR: The Minister for Foreign Affairs, Lou Cheng Hsiang, has received a communication from the Ministry of Marine saying:

"This Ministry has received the order of the President as follows:

> The Advisory Council has deliberated and decided that the five-colored flag shall be the National flag; that for the Mercantile flag the National flag will serve very well; that the nineteen-star flag shall be the Army flag; and the blue sky with a white sun the flag of the Navy. In accordance with Article 22 of the Constitution, I the President now therefore proclaim the same.

"Having received the above order this Ministry has drafted designs of the Naval flags and has fixed the first of August as the date on which the Naval flags will be officially raised, and this communication is written to request your Ministry to take note of the fact and to notify severally the ministers in Peking representing the various powers."

I have the honor therefore to send enclosed two copies of the designs of the Naval flags, that your excellency may acquaint yourself therewith.

YEN HUI-CHING.

[Extracts from Inclosure 2.]

National flag or jack, and flag of Merchant Marine. Horizontal is to perpendicular measurement as 4 to 3; horizontal measurement, 5 feet English; perpendicular measurement, 3 feet 9 inches English.

[The accompanying design shows a flag of above proportions with five horizontal stripes of equal width, which, beginning at the top, are consecutively red, yellow, blue, white and black.]

Naval flag, Naval ensign. Horizontal is to perpendicular as 4 to 3. The blue field is one fourth of the total surface of the flag. The radius of the circle of the white sun is one sixth of the perpendicular width of the blue field. The length of the points outside the circle of the sun is one half the radius of the sun.

[The accompanying design shows a red flag with a blue canton, in the center of which is a white, 12-pointed sun.]

[The other designs and descriptions are: flags of the Minister of Marine, Vice Minister of Marine, Admiral in Command, Vice Admiral, Rear Admiral, Commodore, Senior Officer Present; flag of ship on duty or watch flag; Naval pennant.]

FIRST INTERNATIONAL OPIUM CONFERENCE.—INTERNATIONAL OPIUM CONVENTION AND PROTOCOL DE CLOTURE.

Senate Doc. 736, 61st Cong., 3d sess.
Read January 11, 1911, referred to
Committee on Foreign Relations.

Message of the President.

To the Senate and House of Representatives: In my annual message transmitted to the Congress on December 7, 1909, I referred to the International Opium Commission as follows:

> The results of the opium commission, held at Shanghai last spring at the invitation of the United States, have been laid before the Government. The report shows that China is making remarkable progress and admirable efforts toward the eradication of the opium evil, and that the Governments concerned have not allowed their commercial interests to interfere with a helpful cooperation in this reform. Collateral investigations of the opium question in this country lead me to recommend that the manufacture, sale, and use of opium and its derivatives in the United States should be, so far as possible, more rigorously controlled by legislation.

Since making that recommendation, I transmitted to the Congress on February 21, 1910, a report[2] on the International Opium Commission and on the opium problem as seen within the United States and its possessions, prepared on behalf of the American delegates to the commission, and I gave my approval to the recommendations made in a covering letter from the Secretary of State regarding an appropriation and the necessity for Federal legislation for the control of foreign and interstate traffic in certain menacing drugs, and requested that action should be taken accordingly.

The Congress has so far acted on the recommendations as to appropriate $25,000 to enable the Government to continue its efforts to mitigate, if not entirely stamp out, the opium evil through the proposed international opium conference and otherwise to further investigation and procedure.

I now transmit a further report from the Secretary of State giving cogent reasons why the opium-exclusion act of February 9, 1909, should be made more effective by amendments that will prohibit any vessel engaged in trade from any foreign port or place to any place within the jurisdiction of the United States, including the territorial waters thereof, or between places within the jurisdiction of the United States, from carrying opium prepared for smoking, and that would make it unlawful to export, or cause to be exported from the United States and from Territories under its control or jurisdiction or from countries in which the United States exercise extraterritorial rights where such exportation from such countries is made by persons owing permanent allegiance to the United States, any opium or cocaine, or any derivatives or preparations of opium or cocaine, to any country which prohibits or regulates their entry, unless the exporter conforms to the regulations of the regulating country.

The Secretary of State further points out a defect in the opium-exclusion act of February 9, 1909, in that smoking opium may be

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[1] Continued from For. Rel. 1911, pp. 54–56; see also in that volume the pertinent passage in the Annual Message of the President, p. xxiv; and in this volume, p. xxi.

[2] Not printed in For. Rel.; see Senate Doc. No. 377, 61st Cong., 2d sess.

manufactured in the United States from domestically produced opium, and the pressing necessity for remedying that defect by an amendment to the internal-revenue act of October 1, 1890, that would place a prohibitive revenue tax on all such opium manufactured within the jurisdiction of the United States from the domestically produced material; and he further urges the enactment of legislation which will control the importation, manufacture, and distribution in interstate commerce of opium, morphine, cocaine, and other habit-forming drugs.

I concur in the recommendations made by the Secretary of State and commend them to the favorable consideration of the Congress with a view to early legislation on the subject.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, January 11, 1911.

The Secretary of State to the President.

The PRESIDENT: On February 10, 1910, I had the honor to lay before the President, with certain recommendations, the report of the American delegates to the International Opium Commission, held at Shanghai in February, 1909. These recommendations were approved by the President and the report was transmitted to the Congress on February 21, 1910, and is, with my covering letter and the message of the President, contained in Senate Document No. 377, Sixty-first Congress, second session,

The report contained a full and comprehensive review of the historic attitude of the United States in regard to the opium evil as seen in the Far East and a review of the recent international movement, since its inception by the United States, to solve the problem. Primarily, it seems clear that the United States was compelled by its duty to the inhabitants of the Philippine Islands to secure international cooperation for the control of the production and illicit traffic in opium, which in the Orient had grown to enormous proportions, threatening, during the first few years of the American occupation of the islands, to debauch not only Chinese subjects resident there but the natives themselves. Shortly after the American occupation it was found that the vice of opium smoking was rapidly spreading from the resident Chinese to the Filipinos, so that whole communities of the latter were becoming impoverished and rendered unfit for any economic or political life in the islands.

To better this condition a committee was appointed by the Philippine Government to make a comparative study of the opium problem as seen in China, Japan, Burmah, the Straits Settlements, and Netherlands Indies. This committee, after an exhaustive study, presented its report in June, 1904, making therein certain recommendations which were aimed gradually to reduce and finally prohibit the use of opium in the Philippines except for medicinal purposes. The Congress, however, took a more advanced step, and by the act approved March 3, 1905, provided inter alia for the prohibition of the importation of opium in any form except for medical purposes on and after the 1st of March, 1908. This act, with the supplementary legislation of the Philippines Commission, and later of the Philippines Assembly, has been at least 60 per cent effective in preventing the abuse of opium in the islands, and it is hoped that if favorable action is taken in the prospective international opium conference that the exclusion of opium from the Philippine Islands except for medicinal purposes will be accomplished.

The action of the United States and Philippine Government in regard to the opium traffic in the islands appears to have had a profound influence on those Chinese statesmen who felt that the Chinese Government could and ought to destroy the vice of opium smoking in China. It was regarded as a friendly act that a neighboring Government in continuation of its historic attitude against the opium traffic in the Far East should pronounce so firmly against the misuse of opium in its Pacific possessions. At any rate, there was shortly initiated a new antiopium movement in China, out of which grew a direct appeal to the President of the United States from representative missionary societies and from commercial and reform institutions in the United States to the effect that this Government, considering its previous attitude in regard to the opium traffic in the Far East, should take the initiative in assisting China to secure the gradual prohibition of that traffic by the concurrent action of the powers concerned. Thereupon, in the autumn of 1906, the Department of State addressed a circular note to those powers having territorial possessions in the Far East, the object being the investigation of the opium problem by an international commission. The result was a happy one, for 12 of the most interested powers joined with the United States in an International Opium Commission, which met at Shanghai on the 1st of February, 1909. The commission made a thorough study of the opium question, not only as seen in the Far East, but in the home territories of the powers concerned. It developed that, in addition to a serious opium problem in the Far East, the United States had become contaminated by the vice, and that the habit of opium smoking had spread from Chinese subjects resident therein to a large number of Americans. Before adjourning on the 26th of February, 1909, the International Opium Commission unanimously adopted nine fundamental conclusions, which condemned the opium evil on both economic and moral grounds, at the same time making certain recommendations to the interested Governments for the control of the production and traffic in opium, which it was hoped would sooner or later become a part of international law. [For. Rel. 1909, p. 109.]

This community of opinion on the part of thirteen powers opened the way for the United States to propose that an international conference with full powers should meet to conventionalize the declarations of the International Opium Commission and the essential corollaries derived therefrom. Therefore, on September 1, 1909, the United States in a circular letter to the interested Governments, proposed that there should be such a conference, to assemble at The Hague, to devise measures for mutual protection against the illegal opium traffic. Since the United States proposed the conference the scope of the latter has steadily broadened and, on the suggestion of several of the cooperating Governments, it has been proposed that the conference include in its discussions the manufacture and traffic in other so-called habit-forming drugs, especially morphine and cocaine, the illicit use of which is widespread in the United States and is rapidly spreading throughout Indo-China and other parts of the Far East, threatening to become more baneful than the habit of opium smoking. [For. Rel. 1909, p. 107; 1910, pp. 298, 304, 325; 1911, p. 54.]

Thus, to the great credit of the several powers, a world-wide movement is on foot to control the production and traffic in opium and other habit-forming drugs; and the United States, with small financial interests at stake, having invited the cooperation of the several countries with great financial interests at hazard, has resting upon it a heavy responsibility to see that its own house is in order before the International Opium Conference meets at The Hague in 1911.

Although it may be claimed that the position of the United States in regard to the traffic in opium in far eastern countries and amongst unprotected peoples in the Pacific Islands has from the first been manifestly high; and that under international pacts and Federal statutes citizens of the United States have been effectively restricted from enforcing or encouraging the opium traffic in those countries which desire to restrain it; it is clearly demonstrated that the National Government has failed to realize to the full extent the growth of a serious opium problem in the continental United States. As stated in the report of the American Opium Commission:

> It seems that, as concerns the continental United States, neither treaties, tariff, excise, nor other Federal laws bore so heavily on the opium traffic or on those engaged in it as to regulate the importation and confine the use of crude or medicinal opium to legitimate medical channels. On the contrary, vast amounts of this form of the drug have poured in ever-increasing quantities into the United States, while the opium-smoking habit, outlawed by nearly every State and municipality in the Union, appears to have been encouraged by the tariff and excise laws permitting its importation and manufacture.

The enormous misuse of opium and other habit-forming drugs in the United States may be attributed to several causes—carelessness or ignorance on the part of the people; to ineffective State laws; as well as to the inability of States with good laws to protect themselves against the clandestine introduction of the drugs from neighboring or distant States, and therefore in a larger sense to the lack of control by the Federal Government of the importation, manufacture, and interstate traffic in them. And it is now certain that to these several causes may be attributed the steady growth of another deadly vice—that is, the cocaine vice—due to the unrestricted importation of coco leaves and the unregulated manufacture and distribution of its alkaloid, cocaine, a substance of no real use except in the hands of the surgeon.

It is a startling fact that since 1860, when the various forms of opium and its alkaloids were separately enumerated in the tariff schedules, there has been a 351 per cent increase in the importations and consumption of all forms of opium as against a 133 per cent increase in population. This immense importation and use of opium in the United States is cause for serious thought and places this country in an unenviable position compared with certain European countries. For instance, it may be pointed out that in Germany, with a population estimated at 60,000,000, there is an annual consumption of about 17,000 pounds of opium; in Italy, with a population of about 33,000,000, there is an annual consumption of about six thousand-odd pounds of the drug; and in Austria-Hungary, with a population of 46,000,000, there is a small annual consumption of from 3,000 to 4,000 pounds. It has been estimated by the highest medical authorities that 50,000 pounds of opium should suffice for the medicinal needs of the American people; yet during the last 10 years there has been an annual importation and consumption in the continental United States of over 400,000 pounds. Fully 75 per cent of this opium is manufactured into morphine, and it is reliably estimated that at least 80 per cent of such morphine is used by victims of the habit, to their personal detriment, and with appalling effects on general society.

Since the United States proposed the international movement for the control of the production and manufacture of and traffic in habit-forming drugs, every interested country has strengthened, or has intimated its intention to strengthen, such national laws as are aimed to restrict and ultimately confine to proper channels the use of these drugs. While an important international agreement has been made between the Governments of Great Britain and China which has for its object the gradual abolition of the India-China opium trade, the United States has taken but a single step forward, and that is in the passage and approval of the opium-exclusion act of February 9, 1909, by which the importation of opium except for medicinal purposes is prohibited. When this law was enacted, it was recognized on all sides that it was but the first step necessary to be taken by the Federal Government to regulate the introduction of opium into the United States, and its particular aim and object was to exclude from the United States opium that had been prepared for smoking purposes, over 150,000 pounds of which were being annually imported, with evil consequences not only to Chinese resident in the United States but to vast numbers of Americans. But the opium-exclusion act, so far as its prime object is concerned, has proved inadequate in that it is still possible under the act to import for immediate transshipment by sea opium prepared for smoking, with the result that large quantities of this form of the drug reach Pacific ports, are immediately transshipped to neighboring countries, and smuggled into the United States. It would seem therefore necessary so to amend the opium act as to prohibit any vessel engaged in trade from any foreign port or place to any place within the jurisdiction of the United States, including the territorial waters thereof, or between places within the jurisdiction of the United States, from carrying the substance or article known as opium prepared for smoking. Such an amendment to the opium-exclusion act would strike at the root of the matter by preventing ships in the Pacific trade from transporting this form of opium to the United States. Such an amendment would also be of great assistance to the Philippine Government in that it would prevent all vessels trading between Hongkong, Singapore, and Borneo from shipping opium at these ports and bringing it to the islands.

The opium-exclusion act needs still further amendment. One of the chief results attained in the International Opium Commission was a declaration to the effect that it is the duty of opium-producing countries to prevent at ports of departure the shipment of opium and its preparations to countries that prohibit their entry. Not waiting for the international opium conference to conventionalize this declaration, several governments have already made it a part of their law, and this Government has been requested by them to do likewise. It would seem, then, to be necessary to amend further the opium-exclusion act so as to make it unlawful to export or cause to be exported from the United States and from Territories under its control or jurisdiction or from countries in which the United States exercises extraterritorial rights, where such exportation from such countries is made by persons owing permanent allegiance to the United States, any opium or cocaine, or any derivative or preparation of opium or cocaine, to any country which prohibits or regulates their entry, unless the exporter conforms to the regulations of the regulating country.

There is still another defect in the opium exclusion act which should be corrected. The act provides that opium shall not be imported into the United States except for medicinal purposes, thereby preventing the manufacture within the United States of the substance known as smoking opium from opium that is imported, but it is still possible under the act for persons so disposed to produce within the United States domestic opium of a low grade and from it manufacture the substance known as smoking opium. There is at present on the statute books the internal revenue act of October 1, 1890, which regulates the manufacture of smoking opium within the United States, and imposes thereon an internal revenue tax of $10 per pound. This statue was enacted at a time when there was levied on smoking opium imported into the United States a tax of $10 per pound, and the object of the October act seems to have been to impose a countervailing tax of $10 per pound on all such opium manufactured in the United States. It would seem that the just-mentioned defect in the opium exclusion act, whereby smoking opium may be manufactured in the United States from domestically produced opium, could be met by so amending the internal-revenue act of October 1, 1890, as to place a prohibitive internal-revenue tax on all such opium manufactured in the United States from domestically produced opium, and that a bond might be required from an intending manufacturer that would be prohibitory.

But even with the opium-exclusion act of February 9, 1909, and the internal-revenue act of October 1, 1890, effectively amended, the larger side of the opium problem as it confronts the Nation to-day would remain unsolved. A wide inquiry has developed a consensus of opinion that it is impossible for the States and the municipalities thereof to effectively enforce their antidrug legislation and ordinances until there is some Federal act which will strictly control the importation, manufacture, and interstate traffic in the more menacing drugs. Since the problem of the control of habit-forming drugs first appeared in the United States, 45 States have prohibited the sale of cocaine except on order from a physician. Twenty-four States regulate the sale of opium and its derivatives, and 13 restrict the sale of chloral. Several States have recently enacted legislation making possession of these drugs evidence for conviction, unless the person possessing them can prove to the satisfaction of a jury that his possession is legal. But, in spite of such State legislation, it has been found impossible for the States themselves effectively to enforce their laws, because of the ease with which these menacing drugs can be secretly introduced from State to State.

After looking at the question broadly, the report of the American delegates to the International Opium Commission states:

> It may be said in regard to the traffic in habit-forming drugs within the United States that each State of the Union in its relation to other States is much in the position of China in her relations with opium producing and trafficking countries, for historically and otherwise, it has been demonstrated that China could not control her internal production and abuse of opium without a large measure of interstate or international assistance. In three years more has been accomplished in the suppression of the Chinese intraprovincial opium traffic than was accomplished in the preceding two centuries, this being entirely due to the interstate or international effort now being made on her behalf for the control of her opium traffic and her abuse of the drug. In ever-increasing proportion the States of the Union have for 50 years from lack of interstate or Federal aid, been reproducing within themselves the opium problem as it appeared until quite recently in China. Studying by State and municipal laws to control the traffic in opium, morphine, and other habit-forming drugs, they have had to face the fact that the Federal Government, by tariff law, legalized the entry of a vicious form of opium, i. e., smoking opium, as well as an abnormal amount of medicinal opium for which a market was found by the importers and manufacturers. It is now a developed opinion in all of the States that no local law can control the abuse of opium and other habit-forming drugs, and that there must sooner or later be a superior Federal law to assist the States in defending themselves from the menace of these drugs.

In view of the well-ascertained facts, and having in mind the approaching international opium conference, it is a pressing necessity that the Congress enact legislation which will control the importation, manufacture, and distribution in interstate commerce of opium, morphine, cocaine, and other habit-forming drugs. After a wide consultation with all the legitimate interests likely to be affected by such legislation, there has been drafted a measure known as the Cullom or Foster bill, which is now before the appropriate committees of the Congress. The object of this measure is to place as light a burden as possible on the legitimate importer, manufacturer, and dealer in these drugs, and at the same time to bring the entire business aboveboard and compel every transaction in the drugs from the moment of importation or manufacture to be conducted in the light of day. It is felt that if this object is achieved the good sense of the American people will see to it that the illicit traffic, which is now widespread, shall come to an end.

Shortly, this measure proposes that all importers, exporters, producers or manufacturers of opium and other habit-forming drugs shall be required to register with the collector of internal revenue of his particular district his name, place of business, and place where such business is carried on, and in the case of wholesalers pay to the collector a special tax of $10 per annum, and in the case of retailers $1 per annum. That there shall be levied and collected upon all such drugs received, produced, or manufactured in the United States a small internal-revenue tax which has been calculated at a rate that will not deprive the American manufacturers of the protection afforded them by the present tariff law. That all persons importing, exporting, manufacturing, or engaged in the interstate traffic in these drugs shall keep such books, render such returns and give such bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe, and that it shall be unlawful for any person to send or transport or carry in interstate commerce any of the named drugs to any person other than the person who has registered and paid a special tax as required by the act; and further it is provided that it shall be unlawful for any person to purchase, receive, sell, transfer, or give away any of the named drugs on which the internal-revenue tax has not been paid, or to which labels or marks imposed by the act have not been affixed; and that, whenever on trial for violation of the act the defendant is shown to have or to have had possession of the mentioned drugs in violation of the act, such possession shall be deemed sufficient evidence of such violation, unless the defendant shall explain the possession to the satisfaction of the jury.

Still further—and this is a most important provision—that all returns required by the act shall be properly filed and recorded in the office of the Commissioner of Internal Revenue, and that, under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make, these returns are to be open to the inspection of and certified copies furnished to the proper officials of any State or Territory, any or all of whom may be charged with the enforcement of State, District, municipal, or other laws or ordinances regulating, prescribing, dispensing the sale or use of the drugs named in the act. It should be stated that the revenue intended to be derived by the act has been calculated at the lowest possible rate—at a rate that will produce sufficient revenue to administer the act—for it would be a most unwise procedure for the Government to attempt to raise a revenue from the traffic in these drugs.

The amendments which I have suggested to the opium exclusion act of February 9, 1909, and to the internal-revenue act of October 1, 1890, have been introduced into the Senate and House of Representatives, and as in the case of the Cullom and Foster bill, are before the appropriate committees of Congress. The attempt has been made to treat the opium problem of the United States in a comprehensive and effective manner. There are several other bills before the Congress which attempt to deal with the problem. I do not undertake to pass upon the constitutionality or the legal advisability of any particular measure, but I respectfully submit whether the attention of the Congress should not be called especially to the subject, in order that appropriate measures may be enacted for the suppression and control of the opium and allied evils.

Finally, I recommend that the attention of the Congress be called to the fact that the United States is bound by the action of the International Opium Commission to apply an adequate pharmacy law to American citizens resident in China, inasmuch as one of the great evils growing out of the suppression of the opium evil in that country has been the flooding of the country with anti-opium nostrums or cures, the use of which threatens to become worse than the disease. A bill having this end in view has been favorably reported by the Committee on Foreign Relations of the Senate and is now before the appropriate committee of the House of Representatives.

Respectfully submitted.

P. C. Knox.

Department of State,
Washington, January 7, 1911.

File No. 511.4A1/1226a.

The Acting Secretary of State to the Delegates of the United States to the International Opium Conference: Messrs. Charles H. Brent, Hamilton Wright, and H. J. Finger.

Department of State,
Washington, October 18, 1911.

Gentlemen: Your are informed that you have been appointed Delegates Plenipotentiary to represent the United States at the International Opium Conference which is to meet at The Hague on the 1st of December, 1911.

The need of such a conference was suggested by the American Delegation to the International Opium Commission at one of the final sittings of that body which met at Shanghai in February, 1909; and although no formal action was taken, the Department of State, having considered the unanimous conclusions arrived at by the Commission as a whole, and the report of the American Delegates thereto, deemed it advisable to issue a proposal to the interested Governments that a Conference should meet at The Hague, or elsewhere, composed of one or more delegates of each of the participating Powers, and that such delegates should have full powers to give to the main salutary propositions of the Commission and the essential corollaries derived therefrom the force of law and international agreement. Therefore, on the 1st day of September, 1909, this Government issued a circular proposal[1] to the Governments concerned in which it was stated that the United States had learned with satisfaction of the results achieved by the International Opium Commission; that in the opinion of the leaders of the antiopium movement much had been accomplished; and that both the Government and people of the United States recognized that this was largely due to the generous spirit in which the representatives of the Governments concerned approached the subjects submitted to them. It was pointed out that the Government of the United States appreciated the magnitude of the opium problem and the serious economic interests involved in the production of and trade in the drug; and that a deep impression had been made by the friendly cooperation of the Powers financially interested, and by the desire, as expressed by the resolutions of the Commission, that the opium evil should be eradicated not only from Far Eastern countries, but also from the home territories and possessions in other parts of the world of the Powers therein represented. It was stated that, as the result of the investigation of the opium problem in the United States, it had become apparent, quite apart from the question as it affected the Philippine Islands, that a serious opium evil obtained in the United States itself; that this was primarily due to the large Chinese population in the country, to the intimate commercial intercourse with the Orient, and to the unrestricted importation of opium and manufacture of morphia.

Thus, it was observed that the interest of the United States in the opium problem is material as well as humanitarian, and that, as the result of the investigations made before the meeting of the International Opium Commission, the Congress enacted legislation which aimed to prevent the importation of opium into the United States except for medical purposes. But it was noted that the United States is not an opium-producing country, and that in order to make its present and proposed laws fully effective and so stamp out the national opium and allied evils, there should be control of opium and other habit-forming drugs shipped to this country; and therefore that to attain this end it would be necessary to secure international cooperation and the sympathy of opium-producing countries.

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[1] For. Rel. 1909, pp. 107-111.

Continuing, the proposal stated that this Government, impressed by the gravity of the opium and allied problems and the desirability of divesting them of local and unwise agitation, as well as by the necessity of maintaining the entire question upon the basis of fact as determined by the Shanghai Commission, suggested the following tentative program:

(*a*) The advisability of uniform national laws and regulations to control the production, manufacture, and distribution of opium, its derivatives and preparations;

(*b*) The advisability of restricting the number of ports through which opium may be shipped by opium-producing countries;

(*c*) The means to be taken to prevent at the port of departure the shipment of opium, its derivatives and preparations, to countries that prohibit or wish to prohibit or control their entry;

(*d*) The advisability of reciprocal notification of the amount of opium, its derivatives and preparations, shipped from one country to another;

(*e*) Regulation by the Universal Postal Union of the transmission of opium, its derivatives and preparations, through the mails;

(*f*) The restriction or control of the cultivation of the poppy so that the production of opium will not be undertaken by countries which at present do not produce it, to compensate for the reduction being made in British India and China;

(*g*) The application of the pharmacy laws of the Governments concerned to their subjects in the consular districts, concessions, and settlements in China;

(*h*) The propriety of restudying treaty obligations and international agreements under which the opium traffic is at present conducted;

(*i*) The advisability of uniform provisions of penal laws concerning offenses against any agreements that the Powers may make in regard to opium production and traffic;

(*j*) The advisability of uniform marks of identification of packages containing opium in international transit;

(*k*) The advisability of permits to be granted to exporters of opium, its derivatives and preparations;

(*l*) The advisability of reciprocal right of search of vessels suspected of carrying contraband opium;

(*m*) The advisability of measures to prevent the unlawful use of a flag by vessels engaged in the opium traffic;

(*n*) The advisability of an international commission to be intrusted with the carrying out of any international agreement concluded;

It was made plain, however, that the United States had no desire to prescribe the scope of the Conference or to present a program which might not be varied nor enlarged; but that the tentative program was submitted in the belief that it might serve as a basis at least for preliminary discussion, and a formal expression of opinion was invited on the topics outlined and an enumeration requested of the other aspects of the opium problem which might seem of peculiar importance to any participating nation.

This circular proposal was made to those Governments which were represented in the International Opium Commission, and to the Turkish Government, which, although invited to participate in the International Opium Commission, failed to do so because it had no diplomatic representative in the Far East.

The proposal for an International Opium Conference has been accepted by all the Governments to which it was made, except those of Austria-Hungary and the Ottoman Empire.

The Government of the Netherlands very courteously suggested that the Conference meet at The Hague. This has proved to be agreeable to all of the Powers, and the question of the date of the Conference having been left to the Netherlands Government that Government has finally found that December 1 next is acceptable, and invitations naming that date have been accordingly issued to the assenting Governments.

With regard to the tentative program laid down in this Government's circular proposal, the following reservations, additional proposals, and suggestions have been made by certain of the participating Powers:

The French Government, making no objection to items (*b*), (*c*), (*d*), (*e*), (*f*), (*j*), and (*k*), has remarked as to items (*a*), (*g*), (*i*), (*l*), (*m*), and (*n*) of the tentative program: that item (*a*) demands the adoption of uniform national laws and regulations to control the production, manufacture, and distribution of opium, its derivatives and preparations, and expresses the view that they do not believe that it is desirable that this question should be brought up (in regard to this item it has been explained to the French and British Governments that a mistake was made by this Government in using the words "uniform national laws," that they should have been "effective national laws"); that item (*g*) proposes the application of the pharmacy laws of the Governments concerned to their subjects in the consular districts, concessions, and settlements in China, and expresses the view that at present it would seem to be impossible to accomplish this purpose as it would tend to place in the hands of the Chinese or nationals of countries not signatories to a convention the exercise of the profession of pharmacy in the concessions; that item (*i*) as to the establishment of uniform provisions of penal laws concerning offenses against any agreement that the powers may make in regard to opium production would mean a modification of French penal laws, and that this is such a grave question that the Government of the Republic is not prepared to bring it up in the French Parliament. As to items (*l*) and (*m*), which raise the question of the right of search, and about which public opinion in France has always shown itself particularly susceptible, the French Government would not renounce its principles in this matter to prevent contraband opium. The French Government also reserves its opinion in regard to item (*n*), which involves the question of an international commission to supervise any international agreement concluded by the Conference. Within the limits thus indicated the

French Government has declared its readiness to study proper measures to bring about the gradual suppression of the unnecessary production and misuse of opium.

The German Government, agreeing to the general principles of the tentative program, in particular consented that the morphine and cocaine questions be made the subject-matter of deliberations of the Conference.

The British Government, after pointing out that the illicit traffic in morphine and cocaine in India, China, and other Far Eastern countries is becoming more grievous and deadly than opium smoking, and that such an evil is certain to increase as the restrictions which are now being placed in India and China on the production and use of opium become more stringent, suggested that the Powers participating in the Conference should definitely consider beforehand the question whether they would be prepared to make a statistical study of the manufacture and trade in morphine and cocaine and agree to impose severe restrictions on such manufacture of and trade in the drugs in their respective territories. Further, the British Government has stated that they take exception to those items of the tentative program number (*h*), (*l*), (*m*), and (*n*), and that they will not be prepared to discuss in the Conference, first, the arrangement made between His Majesty's Government and China respecting the progressive restriction of opium imports and of opium production in China (*i. e.*, the so-called ten-year agreement); second, other existing treaties between the two countries. It may be stated that all of the participating Governments have accepted the proposals of the British Government in regard to morphine and cocaine.

The Chinese Government has suggested in regard to item (*a*) of the tentative program that, in drawing up laws and regulations, there should be no interference with the sovereign rights of any nation; that in regard to item (*i*), that offenses against any agreement that the Powers might make should be punished by each country according to its own penal laws; that in regard to item (*l*), that the right of search of vessels should be restricted by the Governments concerned to vessels found within their own territorial waters; and in regard to item (*n*), that there would be no need of an international commission to supervise any agreement reached by the Conference and assented to by the interested Governments.

The Italian Government has pointed out the importance of the question of the traffic in Indian-hemp drugs to that Government, and has suggested that the Conference might advantageously deal with the question of this traffic.

The Netherlands Government, while agreeing to the general principles of the tentative program, at the same time observed that for the Netherlands Indies, where the culture of the poppy does not exist and where the opium régie is or will be introduced, the question of most importance to the Netherlands Government is for the Conference to arrive at an agreement as to measures to be taken to combat the smuggling of opium.

The Russian Government, while approving in principle of the general tenor of the tentative program, took exception to item (*f*), inasmuch as there is almost no production of opium in Russia, and for that reason the restriction and control of the cultivation of the poppy, as provided for by that item, would be superfluous as far as Russia is concerned, and would oppose a serious obstacle to the development of one of the branches of Russian agriculture.

The other Powers have accepted the tentative program as a basis for discussion, reserving their particular views upon it, which will be expressed at the Conference itself.

You will see, therefore, that although the tentative program proposed by the United States has been in some respects narrowed by the reservations made by several of the Powers, generally speaking the scope of the work of the Conference has been broadened by the suggestions that it include in its deliberations the question of the manufacture of and trade in morphine and cocaine and the Indian-hemp drugs. It therefore seems to this Government desirable that production of and traffic in all habit-forming drugs which have been proved to be a menace to the moral, physical, and economic welfare of the world should be considered by the Conference and adequately dealt with by it in the spirit of resolution 5 of the International Opium Commission, which places a ban on all drugs which appear on scientific inquiry to be liable to abuse and productive of the ill effects of opium, its derivatives or preparations.

It would be inexpedient to limit you by too rigid instructions upon the different questions which may be brought forward in the Conference for discussion; but you should closely bear in mind that, though it has been clearly demonstrated that the United States has large material interests in any action which the Conference may take, this Government has no revenue of moment at stake; and that primarily the international movement for the suppression of the opium evil was initiated by this Government with the object of assisting China in her recent and energetic effort to suppress her opium evil.

If in the course of the deliberations of the Conference the point be raised in any quarter that economic disturbances have resulted from the antiopium movement in China and Siam, with their bearing on treaties now in force between those countries and the treaty powers, you should not oppose its consideration, inasmuch as it is a matter in which any interested Power may legitimately express its views. Where the United States is not an interested party in this regard, it would not wish to participate in a discussion of the conventional rights and interests of other Powers. These economic disturbances have not as yet been clearly defined. However, as Dr. Hamilton Wright has made a close study of them, much dependence must necessarily be placed by you upon his good judgment and discretion in the event of the interested Governments bringing them forward for discussion; but any commitment of this Government in respect to the revision of its conventional tariff with China would not be considered germane to the scope of the Opium Conference.

All of your communications and reports to this Government will be made to the Department of State for due consideration and final preservation in the archives. The records of the delegation will be kept by its secretary, Mr. Frederic L. Huidekoper. Should you be in doubt at any time in regard to the meaning or effect of these instructions, or should you consider at any time that there is occasion for special instructions, you will communicate concisely with the Department of State by telegraph.

I may say to you that it is the President's earnest desire that the very old and troublesome opium problem growing out of the abuse of opium and the allied habit-forming drugs may be successfully dealt with by the Conference.

I am [etc.]

ALVEY A. ADEE.

Senate Document No. 733, 62d Cong., 2d sess.; p. 44.]

Protocol de clôture of the International Opium Conference.

[Unofficial translation.]

The International Opium Conference, proposed by the Government of the United States of America and convoked by the Government of The Netherlands, assembled at The Hague in the Palace of the Knights, December 1, 1911.

The Governments, the enumeration of which follows, have taken part in the conference, to which they had designated the delegates hereafter named.

GERMANY.

His excellency Mr. Felix de Müller, present privy counselor, envoy extraordinary and minister plenipotentiary at The Hague, first delegate plenipotentiary.

Mr. Delbrück, superior privy counselor of the regency, delegate plenipotentiary.

Dr. Grunenwald, present counselor of legation, delegate plenipotentiary.

Dr. Kerp, privy counselor of the regency, director of the imperial health office, delegate plenipotentiary.

Dr. Rössler, imperial consul at Canton, delegate plenipotentiary.

UNITED STATES OF AMERICA.

Bishop Charles H. Brent, delegate plenipotentiary.

Dr. Hamilton Wright, delegate plenipotentiary.

Mr. Henry J. Finger, delegate plenipotentiary.

CHINA.

His excellency Mr. Liang Ch'eng, envoy extraordinary and minister plenipotentiary at Berlin, delegate plenipotentiary.

Mr. T'ang Kwo-an, assistant secretary of the Wai-Wu-Pu, delegate.

Mr. Tchang Tsou-Soueng, chargé d'affaires ad interim at The Hague, delegate.

Mr. Wu Lien-Teh, M. D. (Cambridge), doctor with rank of major, director of the school of medicine, delegate.

Mr. F. A. Carl, former commissioner of the imperial maritime customs at Newchwang, delegate.

Mr. A. J. Commijs, assistant secretary in the bureau of the inspector general of the imperial maritime customs, delegate.

FRANCE.

Mr. Henri Brenier, consular inspector of the agricultural and commercial services of Indo-China, delegate plenipotentiary.

Mr. Pierre Guesde, administrator of the civil services of Indo-China, delegate plenipotentiary.

Dr. Gaide, physician with the rank of major of the colonial troops, technical counselor.

GREAT BRITAIN.

The Right Hon. Sir Cecil Clementi Smith, G. C. M. G., member of the privy council, delegate plenipotentiary.

Sir William Stevenson Meyer, K. C. I. E., chief secretary of the government of Madras, delegate plenipotentiary.

Mr. William Grenfell Max-Müller, C. B., M. V. O., counselor of embassy, delegate plenipotentiary.

Sir William Job Collins, M. D., deputy lieutenant of the county of London, delegate plenipotentiary.

ITALY.

His Excellency Count J. Sallier de la Tour, Duke of Calvello, envoy extraordinary and minister plenipotentiary at The Hague, delegate plenipotentiary.

Prof. Rocco Santoliquido, deputy of Parliament, director general of the public health, delegate.

JAPAN.

His Excellency Mr. Aimaro Sato, envoy extraordinary and minister plenipotentiary at The Hague, delegate plenipotentiary.

Dr. Tomoe Takagi, engineer of the General Government of Formosa, delegate plenipotentiary.

Dr. Kotaro Nishizaki, technical specialist, attached to the laboratory of hygienic service, delegate plenipotentiary.

THE NETHERLANDS.

Mr. J. T. Cremer, former minister of colonies, president of the Dutch Commercial Co., delegate plenipotentiary.

Mr. C. Th. van Deventer, member of the First Chamber of the States-General, delegate plenipotentiary.

Mr. A. A. de Jongh, former inspector general chief of the opium regié service in the Dutch Indies, delegate plenipotentiary.

Mr. J. G. Scheurer, member of the Second Chamber of the States-General, delegate plenipotentiary.

Mr. W. G. van Wettum, inspector of the opium regié of the Dutch Indies, delegate plenipotentiary.

PERSIA.

Mirza Mahmoud Khan, secretary of the Persian legation at The Hague, delegate plenipotentiary.

PORTUGAL.

His excellency Mr. Antonio Maria Bartholomeu Ferreira, envoy extraordinary and minister plenipotentiary at The Hague, delegate plenipotentiary.

Mr. Oscar George Potier, consul general of the first class. delegate of the ministry for foreign affairs, delegate.

Mr. A. Sanchès de Miranda, captain of artillery, former governor of the colonies, delegate of the ministry for the colonies, delegate.

RUSSIA.

His excellency Mr. Alexandre Savinsky, minister of ceremonies, present counselor of state, envoy extraordinary and minister plenipotentiary at Stockholm, delegate plenipotentiary.

Mr. Chapiroff, honorary physician of the court of His Majesty the Emperor, medical inspector of the Corps of Frontier Guards, delegate.

SIAM.

His excellency Phya Akharaj Varadhara, envoy extraordinary and minister plenipotentiary at London, The Hague, and Brussels, delegate plenipotentiary.

Mr. William J. Archer, C. M. G., counselor of legation, delegate plenipotentiary.

In a series of meetings held from the 1st of December, 1911, to the 23d of January, 1912, the conference determined upon the text of convention hereto annexed.

The conference has further expressed the following wishes:

I. The conference is of the opinion that there is reason to draw the attention of the Universal Postal Union:

(1) To the urgency of regulating the transmission by post of raw opium.

(2) To the necessity of regulating, so far as possible, the transmission by post of morphine and cocaine and their respective salts, and of the other substances contemplated by article 14 of the convention.

(3) To the necessity of prohibiting the transmission of prepared opium by the post.

II. The conference is of the opinion that it is advisable to study the question of Indian hemp from the statistical and scientific standpoint, with a view to regulating its misuse, should the necessity therefor make itself felt, by domestic legislation or by an international agreement.

In testimony whereof the plenipotentiaries have affixed their signatures to the present protocol.

Done at The Hague the 23d day of January, 1912, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands, and copies of which, certified and conforming thereto, shall be delivered through the diplomatic channel to all the powers represented at the conference.

For Germany:

F. DE MÜLLER.
DELBRÜCK.
GRUNENWALD.

For the United States of America:

CHARLES H. BRENT.
HAMILTON WRIGHT.
HENRY J. FINGER.

For China:

LIANG CHENG.

For France:

H. BRENIER.

For Great Britain:

W. S. MEYER.
W. G. MAX MÜLLER.
WILLIAM JOB COLLINS.

For Italy:

G. DE LA TOUR CALVELLO.

For Japan:

'AIMARO SATO.
TOMOE TAKAGI.
KOTARO NISHIZAKI.

For the Netherlands:

J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.
J. G. SCHEURER.

For Persia:

MIRZA MAHMOUD KHAN.

For Portugal:

ANTONIO MARIA BARTHOLOMEU FERREIRA.

For Russia:

A. SAVINSKY.

For Siam:

WM. J. ARCHER.

Sen. Doc. No. 733, 62d Cong., 2d sess.; p. 36.

International Opium Convention.

[Unofficial translation.]

His Majesty the German Emperor, King of Prussia in the name of the German Empire; The President of the United States of America; His Majesty the Emperor of China; The President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Domains Beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of The Netherlands; His Imperial Majesty the Shah of Persia; The President of the Portuguese Republic; His Majesty the Emperor of All the Russias; His Majesty the King of Siam, being desirous to take one step further in the way marked out by the International Commission at Shanghai in 1909; resolved to pursue progressive suppression of the abuse of opium, morphine, cocaine, as well as drugs prepared or derived from these substances giving rise or which may give rise to analogous abuses; taking into consideration the necessity and the mutual profit of an international understanding on this point; being convinced that they will meet in this humanitarian effort the unanimous adhesion of all the nations interested, have resolved to conclude a convention for this purpose and have appointed as their plenipotentiaries, to wit:

His Majesty the German Emperor, King of Prussia: His Excellency Mr. Félix de Müller, His present privy counsellor, His envoy extraordinary and minister plenipotentiary at The Hague; Mr. Delbrück, His superior privy counsellor; Dr. Grunenwald, His counsellor of legation; Dr. Kerp, His privy counsellor, director at the Imperial health office; Dr. Rössler, imperial consul at Canton.

The President of the United States of America: Bishop Charles H. Brent; Dr. Hamilton Wright; Mr. H. J. Finger.

His Majesty the Emperor of China: His Excellency Mr. Liang Cheng, his envoy extraordinary and minister plenipotentiary at Berlin.

The President of the French Republic: Mr. Henry Brenier, inspector of the agricultural and commercial services of Indo-China; Mr. Pierre Guesde, administrator of the civil services of Indo-China.

His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions Beyond the Seas, Emperor of India; The Right Hon. Sir Cecil Clementi Smith, G. C. M. G., member of the privy council; Sir William Stevenson Meyer, K. C. I. E., chief secretary of the Government of Madras; Mr. William Grenfell Max-Müller, C. B., M. V. O., his counsellor of embassy; Sir William Job Collins, M. D., deputy lieutenant of the county of London.

His Majesty the King of Italy: His Excellency Count J. Sallier de la Tour, Duke of Calvello, his ambassador extraordinary and minister plenipotentiary at The Hague.

His Majesty the Emperor of Japan: His Excellency Mr. Aimaro Sato, his envoy extraordinary and minister plenipotentiary at The Hague; Dr. Tomoe Takagi, engineer of the general government of Formosa; Dr. Kotaro Nishizaki, technical specialist attached to the laboratory of hygienic service.

Her Majesty the Queen of the Netherlands: Mr. J. T. Cremer, Her former minister of the colonies, president of the Dutch Commercial Co.; Mr. C. Th. van Deventer, member of the first chamber of the States General; Mr. A. A. de Jongh, former inspector general and chief of the opium régie service in the Dutch Indies; Mr. J. G. Scheurer, member of the second chamber of the states general; Mr. W. G. van Wettum, inspector of the opium régie in the Dutch Indies.

His Imperial Majesty the Shah of Persia: Mirza Mahmoud Khan, secretary of the Persian legation at The Hague.

The President of the Portuguese Republic: His Excellency Mr. Antonio Maria Bartholomeu Ferreira, envoy extraordinary and minister plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias: His Excellency Mr. Alexandre Savinsky, His master of ceremonies, His present counsellor of state, His envoy extraordinary and minister plenipotentiary at Stockholm.

His Majesty the King of Siam: His Excellency Phya Akharaj Varadhara, His envoy extraordinary and minister plenipotentiary at London, The Hague, and Brussels; Mr. Wm. J. Archer, C. M. G., His counsellor of legation;

Who, after having deposited their full powers, which have been found to be in good and due form, are agreed to that which follows:

CHAPTER I.

RAW OPIUM.

Definition: By raw opium shall be understood the spontaneously coagulated sap obtained from capsules of the soporific poppy (Papaver somniferum), and which shall not have been subjected to any but the processes necessary to the packing and the transportation thereof.

ARTICLE 1. The contracting powers shall enact efficacious laws or regulations for the control of the production and distribution of raw opium, unless existing laws or regulations have already regulated the matter.

ARTICLE 2. The contracting powers, taking into account the differences in their trade conditions, shall limit the number of towns, ports, or other places through which the importation or exportation of raw opium shall be permitted.

ARTICLE 3. The contracting powers shall take measures:

(*a*) to prevent the exportation of raw opium to countries which shall have prohibited the entry thereof; and

(*b*) to control the exportation of raw opium to countries which shall have limited the importation thereof,

Unless existing measures have already regulated the matter.

ARTICLE 4. The contracting powers shall issue regulations to provide that every package containing raw opium destined for exportation shall be marked in such a manner as to indicate its contents, providing the consignment shall exceed 5 kilograms.

ARTICLE 5. The contracting powers shall not permit the importation and exportation of raw opium except through duly authorized persons.

CHAPTER II.

PREPARED OPIUM.

Definition: By prepared opium shall be understood the product of raw opium obtained by a series of special processes, particularly by dissolution, boiling, heating, and fermentation, and which is meant to be made into the form of an extract suitable for consumption.

Prepared opium comprises dross and all other residues of smoked opium.

ARTICLE 6. The contracting powers shall take measures for the gradual and efficacious suppression of the manufacture, the internal traffic in, and the use of prepared opium in so far as the different conditions peculiar to each nation shall allow of this, unless existing measures have already regulated the matter.

ARTICLE 7. The contracting powers shall prohibit the importation and exportation of prepared opium; however, those nations which are not yet ready to prohibit the exportation of prepared opium at once shall prohibit such exportation as soon as possible.

ARTICLE 8. The contracting powers which are not yet prepared to prohibit at once the exportation of prepared opium:

(*a*) Shall limit the number of towns, ports, or other places through which it shall be possible for prepared opium to be exported;

(*b*) Shall prohibit the exportation of prepared opium to the countries which now prohibit or which shall later prohibit the importation thereof;

(*c*) Shall prohibit, in the meanwhile, that any prepared opium be sent to a country which desires to limit the entry thereof, unless the exporter shall conform to the regulations of the importing country;

(*d*) Shall take measures to the effect that each package exported containing prepared opium shall bear a special mark indicating the nature of its contents;

(*e*) Shall not permit the exportation of prepared opium except through the agency of persons especially authorized.

CHAPTER III.

MEDICINAL OPIUM, MORPHINE, COCAINE, ETC.

Definitions: By medicinal opium shall be understood raw opium which shall have been heated to 60° C., whether or not powdered or granulated, or whether or not mixed with neutral substances, and which shall not contain less than 10 per cent of morphine.

By morphine shall be understood the principal alkaloid of opium, expressed by the chemical formula $C_{17}H_{19}NO_3$.

By cocaine shall be understood the principal alkaloid of the leaves of erythroxylon coca, expressed by the formula $C_{17}H_{21}NO_4$.

By heroin shall be understood morphine-diacetylate, expressed by the formula $C_{21}H_{23}NO_5$.

ARTICLE 9. The contracting powers shall enact pharmacy laws and regulations in such a way as to limit the manufacture, the sale, and the use of morphine, cocaine, and their respective salts to medical and legitimate uses only, unless existing laws or regulations have already regulated the matter. They shall cooperate amongst themselves in order to prevent the use of these drugs for any other purpose.

ARTICLE 10. The contracting powers shall use their best efforts to control, or to cause to be controlled, all those who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts, as well as the buildings where such persons exercise that industry or that commerce.

To this end the contracting powers shall use their best efforts to adopt or to cause to be adopted the following measures, unless existing measures have already regulated the matter:

(*a*) To limit the manufacture of morphine, cocaine, and their respective salts to the premises and localities alone which shall have been authorized to this effect or to keep themselves informed as to the establishments and places where such drugs are manufactured, and to keep a register thereof.

(*b*) To demand that all those who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts shall be provided with an authorization or a license to carry on these operations, or shall make an official declaration thereof to the competent authorities.

(*c*) To demand of these persons to register on their books the quantities manufactured, the importations, the sales or any other transfer and exportations of morphine, cocaine, and their respective salts. This rule shall not apply necessarily to medical prescriptions and to sales made by duly authorized pharmacists.

ARTICLE 11. The contracting powers shall take measures to prohibit in their internal commerce all transfer of morphine, cocaine, and their respective salts to all nonauthorized persons, unless existing measures have already regulated the matter.

ARTICLE 12. The contracting powers, taking the differences in their conditions into account, shall use their best efforts to limit the importation of morphine, cocaine, and their respective salts to authorized persons.

ARTICLE 13. The contracting powers shall use their best efforts to adopt, or cause to be adopted, measures to the end that the exportation of cocaine, morphine, and their respective salts from their countries, possessions, colonies, and leased territories to the countries, possessions, colonies, and leased territories of the other contracting powers, except in case the persons for whom the drugs are intended shall have received authorizations or permits granted in conformity with the laws or regulations of the importing country.

To this end every government may from time to time communicate to the governments of the exporting countries lists of the persons to whom authorizations or permits to import morphine, cocaine, and their respective salts shall have been granted.

ARTICLE 14. The contracting powers shall apply the laws and regulations for the manufacture, importation, sale, or exportation of morphine, cocaine, and their respective salts:

(*a*) To medicinal opium;

(*b*) To all preparations (officinal and nonofficinal, including the so-called antiopium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine;

(*c*) To heroin, its salts and preparations containing more than 0.1 per cent of heroin;

(*d*) To every new derivative of morphine, cocaine or their respective salts or to any other alkaloid of opium which might after generally recognized scientific investigations give rise to similar abuse and to result in the same injurious effects.

CHAPTER IV.

ARTICLE 15. The contracting powers having treaties with China (treaty powers) shall take, in concert with the Chinese Government, the measures necessary for the prevention of the smuggling, as well with respect to Chinese territory as with respect to their colonies in the Far East and the leased territories which they occupy in

China, of raw and prepared opium, morphine, cocaine, and their respective salts, as well as of the substances indicated in article 14 of the present convention. On its side the Chinese Government shall take analogous measures for the suppression of the smuggling of opium and the other substances hereinbefore indicated, from China to foreign colonies and leased territories.

Article 16. The Chinese Government shall promulgate pharmacy laws for its subjects, regulating the sale and distribution of morphine, cocaine, and their respective salts and of the substances indicated in article 14 of the present convention, and shall communicate these laws to the Governments having treaties with China, through the intermediary of their diplomatic representatives at Pekin. The contracting powers having treaties with China shall examine these laws, and, if they find them acceptable, shall take the necessary measures to the end that they be applied to their nationals residing in China.

Article 17. The contracting powers having treaties with China shall undertake to adopt the measures necessary for the restraint and control of the opium-smoking habit in their leased territories, "settlements," and concessions in China, for the suppression pari passu with the Chinese Government of the opium divans or similar establishments which may still exist there, and for the prohibition of the use of opium in houses of amusement and of prostitution.

Article 18. The contracting powers having treaties with China shall take effective measures for the gradual reduction, pari passu with the effective measures which the Chinese Government shall take to the same end, of the number of shops, intended for the sale of raw and prepared opium, which may still exist in their leased territories, settlements, and concessions in China. They shall adopt efficacious measures for the restraint and control of the retail trade in opium in the leased territories, settlements, and concessions, unless existing measures have already regulated the matter.

Article 19. The contracting powers who have post offices in China shall adopt efficacious measures to prohibit the illegal importation into China, in the guise of a postal package, as well as the illegal transmission from one locality to another in China through the intermediary of these post offices, of opium, whether raw or prepared, of morphine and of cocaine and their respective salts, and of other substances indicated in article 14 of the present convention.

Chapter V.

Article 20. The contracting powers shall examine into the possibility of enacting laws or regulations making the illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts liable to penalties, unless existing laws or regulations have already regulated the matter.

Article 21. The contracting powers shall communicate to each other, through the Netherlands ministry for foreign affairs:

(*a*) The text of the laws and the administrative regulations in existence which concern matters aimed at by the present convention or enacted by virtue of its clauses;

(*b*) Statistical information with respect to that which concerns the traffic in raw opium, prepared opium, morphine, cocaine, and their respective salts, as well as all other drugs or their salts or preparations aimed at by the present convention.

These data shall be furnished with as much detail and in as short a time as shall be deemed possible.

CHAPTER VI.

FINAL PROVISIONS.

ARTICLE 22. The powers not represented at the conference shall be permitted to sign the present convention.

To this end, the Netherlands Government shall invite, immediately after the convention shall have been signed by the plenipotentiaries of the powers who have taken part in the conference, all the powers of Europe and of America not represented at the conference, to wit, the Argentine Republic; Austro-Hungary; Belgium; Bolivia; Brazil; Bulgaria; Chile; Colombia; Costa Rica; Republic of Cuba; Denmark; Dominican Republic; Republic of Ecuador; Spain; Greece; Guatemala; Republic of Haiti; Honduras; Luxemburg; Mexico; Montenegro; Nicaragua; Norway; Panama; Paraguay; Peru; Roumania; Salvador; Servia; Sweden; Switzerland; Turkey; Uruguay; United States of Venezuela, to designate a delegate armed with the full powers necessary for the signing of the convention at The Hague.

The convention shall be furnished with these signatures by means of a "Protocol of signature of powers not represented at the conference," to be added after the signatures of the powers represented and indicating the date of each signature.[1]

The Netherlands Government shall give notice every month, to all the signatory powers, of each supplementary signature.

ARTICLE 23. After all the powers, as much for themselves as for their possessions, colonies, protectorates, and leased territories, shall have signed the convention, or the supplementary protocol hereinbefore indicated, the Netherlands Government shall invite the powers to ratify the convention together with this protocol.

In case the signature of all the powers invited shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications.

Ratification shall be executed within as short a time as possible and shall be deposited at once at The Hague in the Ministry for Foreign Affairs.

The Netherlands Government shall give notice every month to the signatory powers of the ratifications which it shall have received in the interval.

As soon as the ratifications of all the signatory powers, as much for themselves as for their colonies, possessions, protectorates, and leased territories, shall have been received by the Netherlands Government, this government shall give notice to all the powers who shall have ratified the convention of the date on which the last of such acts of ratification shall have been received.

ARTICLE 24. The present convention shall go into effect three months after the date mentioned in the Netherlands Government's notification, as indicated in the last paragraph of the preceding article.

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[1] See "Note" on p. 224.

With regard to the laws, regulations, and other measures provided for by the present convention, it is agreed that the drafts necessary to this end shall be drawn up not later than six months after the going into effect of the convention. With regard to the laws, these shall also be proposed by the governments to their parliaments or legislative bodies within this same period of six months, and in any case at the first session which shall follow the expiration of this period.

The date from which these laws, regulations, or measures shall go into effect shall be the subject of an agreement between the signatory powers, at the instance of the Netherlands Government.

In case questions shall arise relative to the ratification of the present convention, or relative to the going into effect of the convention, or of the laws, regulations, and measures which such convention involves, the Netherlands Government, if these questions can not be decided by other means, shall invite all the signatory powers to designate delegates who shall assemble at The Hague to come to an immediate agreement on these questions.

ARTICLE 25. If it should happen that one of the contracting powers should wish to denounce the present convention, such denunciation shall be notified in writing to the Netherlands Government, who shall immediately communicate a certified copy in conformity with such notification to all the other powers, informing them at the same time as to the date on which it received such notification.

The denunciation shall have no effect except with respect to the power who shall have given notice thereof and one year after such notice shall have reached the Netherlands Government.

In witness whereof the plenipotentiaries have affixed their signatures to the present convention.

Done at The Hague, January 23, 1912, in one single copy, which shall remain deposited in the archives of the Government of the Netherlands and copies of which, certified in conformity, shall be delivered through diplomatic channels to all the powers represented at the conference.

For Germany:

F. DE MÜLLER.
DELBRUCK.
GRUNENWALD.

For the United States of America:

CHARLES H. BRENT.
HAMILTON WRIGHT.
HENRY J. FINGER.

For China:

LIANG CHENG.

For France:

H. FRENIER.

For Great Britain:

W. S. MEYER.
W. G. MAX MÜLLER.
WILLIAM JOB COLLINS.

For Italy:

G. DE LA TOUR CALVELLO.

For Japan:

AIMARO SATO.
TOMOE TAKAGI.
KOTARO NISHIZAKI.

For the Netherlands:

J. T. CREMER.
C. TH. VAN DEVENTER.
A. A. DE JONGH.
J. G. SCHEURER.

For Persia:

MIRZA MAHMOUD KHAN.

For Portugal:

ANTONIO MARIA BARTHOLOMEU FERREIRA.

For Russia:

A. SAVINSKY.

For Siam:

AKHARAJ VARADHARA.
WM. J. ARCHER.

Senate Document No. 733, Sixty-second Congress, second session.

Message from the President of the United States to Congress, transmitting communication of the Secretary of State covering the report of the American delegation to the International Opium Conference held at The Hague from December 1, 1911, to January 23, 1912.[1]

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State covering the report of the American delegation to the International Opium Conference held at The Hague from December 1, 1911, to January 23, 1912.

In submitting this report the Secretary of State makes certain recommendations regarding bills now before the Congress for the control of our foreign and domestic traffic in habit-forming drugs. I have several times called the attention of the Congress to the necessity for the passage of the proposed measures, and I now indorse the view of the Secretary of State that the Congress should promptly pass these measures, more especially because this Government took the initiative and has been generously supported by 12 other Governments in its efforts to mitigate, if not entirely suppress, the world's opium evil.

Inasmuch as the International Opium Convention and its protocole de clôture, signed at The Hague by representatives of the United States, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, and Siam, have been given publicity by the conference and by the signatory Governments, it is deemed not improper to accompany the report with authentic copies of them.

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[1] Read May 31, 1912; referred to the Committee on Foreign Relations and ordered to be printed.

I am not able at the present moment, however, to ask the advice and consent of the Senate to the ratification of the convention, for it is provided by the final articles of the convention that ratification is to depend upon the Netherlands Government securing by the 31st of December next the supplementary signatures of 34 States named in article 22 of the convention, and that in case the signatures of all the powers invited to sign the convention shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications. It is my hope and belief that the Netherlands Government will secure the necessary signatures to the convention by the date fixed, and that I can then ask the advice and consent of the Senate to the ratification of the convention.

Therefore, at the present time the International Opium Convention and its protocole de clôture are submitted to the Congress merely for its information as to the great step in advance which has been taken by 12 States in cooperation with the United States to bring the opium evil to an end.

WM. H. TAFT.

THE WHITE HOUSE, *May 31, 1912.*

The Secretary of State to the President.

[Inclosure.]

DEPARTMENT OF STATE,
Washington, May 28, 1912.

The PRESIDENT:

I have the honor to transmit herewith a report of the American Delegation to the International Opium Conference held at The Hague beginning December 1, 1909, and adjourning January 23, 1912, the American delegates being the Right Rev. Charles H. Brent, Protestant Episcopal Bishop of the Philippine Islands, Mr. Hamilton Wright, of Maine, and Mr. Henry J. Finger, of California.

This report briefly reviews the work of the International Opium Commission, which, due to the efforts of this Government, met in Shanghai in 1909, and traces the consistent and successful efforts on the part of the United States to secure the cooperation of all the Governments immediately concerned with the opium problem. It should therefore be considered as in continuation of the report on the International Opium Commission and on the opium problem as seen within the United States, which I had the honor to transmit to you on February 18, 1910, and which is contained in Senate Document No. 377, Sixty-first Congress, second session.

The accompanying report summarizes the steps leading to the conference at The Hague, shows the enlargement of its scope by the inclusion of the consideration of the morphine, cocaine, and Indian hemp drug evils, and exhaustively treats of and explains the convention and the acts signed on January 23, 1912, by the representatives at the conference of the 12 powers party thereto, to wit: The United States, China, France, Germany, Great Britain, Italy, Japan, The Netherlands, Portugal, Russia, Siam, and Persia.

Immediately upon the assembling of the conference it was pointed out, as had been the case at the Shanghai Commission, that the restriction of the manufacture and scale of habit-forming drugs presented commercial and economic, as well as moral, questions of great importance, and that "it would be useless for those States represented in the conference, and who were the largest producers of opium, morphine, cocaine, etc., to agree to radical measures for the international control of these drugs so long as it was open to the nationals of those States not represented at the conference to continue or take up the production of and traffic in these drugs." To this is due a radical departure with respect to ratification; for, instead of the usual conventional provision for ratification, the International Opium Convention provides for the adherence thereto, on the invitation of the Netherlands Government, of all the nonsignatory Governments in Europe and American (34 in all) before any steps may be taken toward the ratification of the convention. In case the entire 34 powers do not adhere before December 31, 1912, another conference is to take place at The Hague attended by the representatives of the signatory and adhering powers. Should this conference be necessary, then the plenipotentiaries thereto shall fix an early date for the ratification of the convention.

The convention defines raw opium, prepared opium, medicinal opium, morphine, cocaine, and heroin; provides for the enactment of efficacious laws and regulations for the control of the production and distribution of raw opium; for the limiting of the number of ports or other places through which raw opium shall be exported or imported; for the prohibiting of the exportation of raw and prepared opium to prohibiting countries and for the regulation of the exportation of raw and prepared opium to countries which limit their importation; for the importation of raw opium and for the exportation of prepared opium through authorized persons only; for the marking of packages of raw opium exceeding 5 kilograms in weight and for the marking of all packages of prepared opium; for the gradual suppression of the manufacture, internal traffic in, and use of prepared opium; and for the prohibiting of the importation and exportation of prepared opium as soon as possible. In general, its provisions regarding medicinal opium, morphine, cocaine, and their respective salts are similar. It further, in a separate chapter, deals specifically with the relations between China and the "treaty powers" with regard to the opium traffic and the traffic in newer habit-forming drugs, China pledging to take strict measures for the prevention of their illicit use and the "treaty powers" on their part pledging themselves to aid China in these her efforts. Provision is likewise made for an interchange of laws, regulations, statistical information, and other data regarding the opium and allied traffics and habits.

By an additional protocol, the conference expressed the opinion that the attention of the Universal Postal Union should be drawn to the urgency of regulating the transmission by post of raw opium, morphine, and cocaine, and their respective salts, and to the necessity of prohibiting the transmission of prepared opium by the post. The conference further expressed the opinion that it is advisable to study the question of Indian hemp from the statistical and scientific standpoint with a view to regulating its misuse, should the necessity therefor make itself felt, by domestic legislation or by an international agreement.

In sum, recognizing the principle that not by national action alone but only through concerted international action can the question be solved, the convention so limits and safeguards the manufacture of and national and international traffic in these drugs as to make possible to a great degree the stamping out of their illicit use.

It is a source of deep satisfaction that this Government has taken such a prominent part toward the accomplishment of these great international reforms.

While this Government has been so actively engaged internationally in attempting to solve the problem of successfully coping with the traffic in and illicit use of habit-forming drugs, nationally it has advanced not one step since the enactment, in February, 1909, at the moment of the meeting of the Shanghai Commission of the "Act to prohibit the importation and use of opium for other than medicinal purposes." That this legislative inaction has not passed unnoticed abroad is made clear by the following from the accompanying report:

> There is no doubt that during the sittings of the International Opium Conference at The Hague the American delegation was placed in a somewhat embarrassing position owing to the neglect of the Congress to pass legislation which had been urged upon it by the Executive, aiming to perfect the opium-exclusion act of February, 1909, and to bring under efficient control the export and interstate commerce in opium and other habit-forming drugs. Both formally and informally, it was pointed out to the American delegates at that conference that the other nations could have little hope for a final suppression of opium and allied evils by international action so long as the United States, which had initiated the movement, failed to adopt the standard of national control in vogue in several European nations and in Japan.

In view of the foregoing reasons I have the honor to recommend that the accompanying report be transmitted to the Congress, for its information; and that, as the Department of State has made a thorough investigation of the conditions in regard to the abuse of opium and habit-forming drugs in the United States and its possessions, and as the bills drafted to correct these conditions have been carefully revised and perfected in the light of the International Opium Convention, you will again urge upon Congress their speedy consideration. If not so considered the American Government may be justly accused of being half-hearted in its effort to mitigate or suppress the opium and allied evils, an effort in which it has the earnest cooperation of the chief powers of Europe and Asia.

Respectfully submitted.

P .C. Knox.

[Subinclosure.]

Report from the Delegates of the United States to the Secretary of State.

Department of State,
Washington, May 15, 1912.

Sir: The following report, made on behalf of the American delegates to the International Opium Conference held at The Hague from December 1, 1911, to January 23, 1912, is in continuation of a report of January 1, 1910, made to you on behalf of the American delegates to the International Opium Commission, which met at Shanghai in February, 1909. (S. Doc. No. 377, 61st Cong., 2d sess.)

That report, in addition to dealing with the proceedings, reports and conclusions of the International Opium Commission, contained a wide range of data, embracing treaties affecting citizens of the United States in regard to the opium traffic, contracted between the United States and China, Siam, and the former independent State of Korea; statutes respecting Americans engaged in the foreign opium traffic; tariff, internal-revenue, and other statutes covering the trade in opium in the United States and its possessions; the opium problem as seen in the Philippines; the opium, morphine, and cocaine vices as they had developed and were then seen in the continental United States, and a review of the effect of treaties, tariff, internal-revenue, and other Federal laws upon the importation into the United States and the abuse therein of opium, morphine, and cocaine

After reviewing the work of the International Opium Commission and the results attained, it was pointed out that although no official action was taken by the commission for continued international action to solve the problems which it had studied and the vices which it had condemned, it was, nevertheless, generally expected by the commissioners that the United States Government would proceed to arrange for an international conference composed of delegates, with full powers, to conventionalize the conclusions of the commission and the corollaries derived therefrom, with the object of giving them the force of law and international agreement.

For the investigation of the international and national aspects of the opium evil an appropriation of $20,000 was made by the Congress by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909. That part of the act pertinent to the subject is as follows:

[H. R. 21260.—Public, No. 141.]

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, for the objects hereinunder expressed, for the fiscal year ending June 30, 1909, namely:

International investigation of opium evil.—To enable the President to appoint not more than three commissioners to collate and complete on behalf of the United States information bearing on the opium question, and a secretary, who shall act as disbursing officer, and for traveling expenses, stationery, printing, and other incidental expenses connected with the investigation, and the meeting of the commissioners for the purpose of finding common ground for joint and several recommendations and reports to their repective Governments with a view to the suppression of the opium evil, $20,000, or so much thereof as may be necessary.

Through the strict economy of the American commissioners to the International Opium Commission, some $5,000 of this appropriation remained in hand after the adjournment of the commission. By your direction it was applied to the continuation of the work arising out of the commission, and until such time as the Congress should make a further appropriation to enable the Government to carry to a logical conclusion the task which it had undertaken.

In transmitting this report to the President, you recommended that the Congress be asked to appropriate the sum of $25,000, or so much thereof as might be necessary, so as to enable this Government to continue its efforts to mitigate if not entirely stamp out the opium evil through the proposed international conference and otherwise by further investigations and proceedings. Your recommendation for a new appropriation was supported by the President in transmitting the report to the Senate and House of Representatives, and in the general deficiency act of 1910 the Congress provided as follows:

> To enable the Government to continue its efforts to mitigate if not entirely stamp out the opium evil, through a proposed international conference and otherwise, by further investigation and proceedings, $25,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

There was, therefore, no break in the continuity of the effort of this Government to secure an international opium conference to follow upon, broaden, and conclude the work of the international commission, and on September 1, 1909, the Department of State issued instruction to the diplomatic officers of the United States accredited to the Governments which were represented in the International Opium Commission, containing proposals for an International Opium Conference. That instruction is as follows: [Omitted here; printed in For. Rel. 1909, pp. 107–111.]

Favorable responses were almost immediately received from the interested Governments to the above circular proposal, the project for the assembling of an International Opium Conference composed of delegates with full powers having met with general favor. By September, 1910, all the powers but one[1] which had taken part in the International Opium Commission had signified to this Government their willingness to continue to cooperate with it in the international movement for the settlement of the opium and allied questions, while the tentative program contained in the department's circular proposal was broadened by suggestions made by the British Government to the effect that, those Governments sending delegates to the conference should agree beforehand to a thorough study of the production, manufacture, and traffic in morphine and cocaine, and should pledge themselves before the assembling of the conference to the principle of drastic legislation for the control of the manufacture and use of these drugs. The additional proposals of the British Government were accepted by all of the interested Governments. In addition, the Italian Government proposed that the conference deal with the production, manufacture, and traffic in the Indian hemp drugs in a manner similar to opium, morphine, and cocaine.

The date for the assembling of the conference was originally fixed by the Netherlands Government for May 31, 1912, but because several of the powers were not able to make the necessary study of the morphine and cocaine questions by that time, the date for the meeting of the conference was postponed to December 1, 1912.

The delegation of the United States to the conference was composed of the following members:

Delegates plenipotentiary: Charles H. Brent, of the Philippine Islands; Hamilton Wright, of Maine; Henry J. Finger, of California.

Secretary to the commission: Frederic L. Huidekoper, of Washington, D. C.

Assistant secretary and disbursing officer: Wallace J. Young, of Illinois.

The instructions to the American delegation were as follows: [Printed above, pp. 188, 193.]

The Dutch Government set aside for the use of the conference a part of the Hall of the Knights, the seat of the States General, and on the first day of December, 1912, at 3 o'clock in the afternoon, the conference was opened by his excellency the Minister for Foreign Affairs of the Netherlands in the presence of the delegations representing the twelve nations, the diplomatic corps, the press, and the general public. His excellency the foreign minister made a felicitous address of welcome, saying amongst other things, that the Netherlands Government considered it a special privilege to greet at the royal residence a conference of eminent diplomats and experts arrived from the four quarters of the globe to discuss an international problem; that the problem before the conference pressingly claimed solution for the welfare of mankind; that the conference would have to deal with one of those complications of Providence where God had created a plant containing in itself the elements to make it a real benefactor to humanity, but where man had by an abuse of that benefit transferred it into a scourge spreading economic ruin and moral as well as intellectual degradation; that the Netherlands Government had been anxious for the honor of seeing the conference meet on Netherlands soil, the mother country of vast colonies where the opium problem was of great actual importance, and that the interested governments responding to that appeal with an enthusiasm as graceful as it was flattering, he extended the welcome of the royal government to the conference as a tribute of gratitude.

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[1] The Austro-Hungarian Government did not see its way clear to send delegates to the conference, but, nevertheless, informed this Government that it would observe the conference and its results with sympathy.

At the conclusion of this address of welcome the first delegate of the Netherlands Government proposed for president of the conference Bishop Charles H. Brent, of the American delegation. This was seconded by the chiefs of the British and German delegations. With the unanimous consent of the assembly, Bishop Brent accepted the presidency and then delivered an address, partly personal, in which, besides thanking the conference for the honor of the presidency, he called attention to the work of the International Opium Commission, which convened in 1909, and then outlined the purpose for which the International Opium Conference had been assembled. On the termination of the presidential address, and with the consent of the conference, the president proposed the personnel of the secretary general's office. His Excellency R. de Marees van Swinderen, Minister for Foreign Affairs of the Dutch Government, was elected honorary president. In the name of the conference the president dispatched the following message to Her Majesty the Queen of the Netherlands:

> The representatives of the 12 nations assembled at The Hague for the International Opium Conference have the honor to lay at the feet of Your Royal Majesty the homage of their most respectful devotion and the expression of their gratitude for the gracious reception given to them in your residence.

At the second plenary session of the conference the president read the following telegram:

> I am glad to see at The Hague the representatives of twelve States assembled for an International Opium Conference. Thanking you, Mr. President, for the feelings which you have interpreted, I express to you my good wishes for the humanitarian goal of the conference.
>
> WILHELMINA.

Previous to the assembling of the conference, the Netherlands minister for foreign affairs had requested the American delegation to suggest a body of rules to govern the conference. At the second plenary session the conference proceeded to consider the tentative rules proposed by the American delegation, which were as follows:

Rule I. The International Opium Conference is composed of all the plenipotentiaries and technical delegates of the powers which have accepted the proposal of the United States Government and the invitation of the Government of the Queen of the Netherlands.

Rule II. After organizing its bureau, the conference shall appoint committees to study the questions submitted to it. The plenipotentiaries of the powers are free to register on the lists of these committees according to their own convenience, and to appoint technical delegates to take part therein.

Rule III. The conference shall appoint the chairman of each committee. The committees shall appoint their secretaries and reporters.

Rule IV. Each committee shall have the power to divide itself into subcommittees which shall organize their own bureau.

Rule V. A drafting committee for the purpose of coordinating the acts adopted by the conference and preparing them in their final form shall also be appointed by the conference at the beginning of its labors.

Rule VI. The members of the delegations are all authorized to take part in the deliberations at the plenary sessions of the conference as well as in the committees of which they form part. The members of one and the same delegation may mutually replace one another.

Rule VII. Every resolution or motion proposed for discussion by the conference must, as a general rule, be delivered in writing to the president, and be printed and distributed before being taken up for discussion.

Rule VIII. The public may be admitted to the plenary sessions of the conference when the conference itself so decides. Tickets shall be distributed for this purpose by the secretary general with the authorization of the president.

Rule IX. French shall be the official language of the conference, and the minutes shall be recorded in this language. However, other languages may be used in the conference.

Rule X. Special questions which have been already dealt with in the sessions of the committees can not be discussed in pleno by a member of a delegation in a speech of more than 10 minutes, unless the conference decides otherwise.

The rules as finally adopted by the conference follow:

Rule I. The International Opium Conference is composed of all the delegates of the powers which have accepted the proposal of the United States Government and the invitation of the Government of the Queen of the Netherlands.

Rule II. After organizing its bureau, the conference shall discuss in pleno the best method of drafting a program. The conference may, if necessary, appoint committees to study the questions submitted to it. The delegates of the powers are free to register on the lists of these committees as may appear convenient to them.

Rule III. Each committee shall appoint a chairman, secretary, and reporter.

Rule IV. A drafting committee for the purpose of coordinating the resolutions adopted by the conference and preparing them in their final form shall also be appointed by the conference at the beginning of its labors.

Rule V. All the delegates are authorized to take part in the deliberations at the plenary sessions of the conference as well as in the committees of which they form part. The members of one and the same delegation may mutually replace one another.

Rule VI. Members of the conference attending the meetings of committees of which they are not members, are not to be entitled to take part in the deliberations without special authorization of the chairman of the committees.

Rule VII. When a vote is taken, each delegation shall have only one vote. The vote shall be taken by roll call in the alphabetical order of the powers represented.

Rue VIII. Every resolution or motion proposed for discussion by the conference must, as a general rule, be delivered in writing to the president and be printed and distributed before being taken up for discussion.

Such proposals can not be voted on during the same session without the unanimous consent of all the delegations.

Rule IX. A committee of three delegates shall be appointed by the conference, to which shall be intrusted the duty of making any communications to the press.

Rule X. The minutes of the plenary sessions of the conference and of the committees shall give a succinct résumé of the deliberations. A proof copy of them shall be delivered with as little delay as possible to the members of the conference; they need not be read at the beginning of the sessions, except by the request of a delegate.

Each delegate shall have a right to request the insertion in full of his official declarations according to the text delivered by him to the secretary and to make observations regarding the minutes.

The reports of the committees shall be printed and distributed before they are taken up for discussion.

Rule XI. French shall be the official language of the conference, and the minutes shall be recorded in this language.

However, other languages may be used in the conference. This rule shall not exclude the delivery of a translation to those delegates who desire to receive these documents in any other language.

Rule XII. Special questions which have been already dealt with in the sessions of the committees can not be discussed in pleno by a member of a delegation in a speech of more than 10 minutes, unless the conference decides otherwise.

Some discussion having arisen as to the program of the conference, the following statement was made on behalf of the American delegation:

That the United States had endeavored to secure from the interested Governments a definitive program for the conference, based on the tentative program contained in its circular proposal of September 1, 1909, and the additional proposals of Great Britain, but had failed to do so because several of the Governments had expressed a desire to reserve their views until the conference had assembled; that it was now apparent that a committee to be termed the program committe should be selected, and that this committee, composed of members from each delegation, should formulate a definitive program for the conference.

This view was concurred in by all of the delegates, and the following resolution, proposed by the American delegation, was unanimously adopted:

That a committee to be called the program committee be appointed, consisting of one representative from each delegation, and that it be authorized to prepare and submit to the conference a draft program for consideration, such program to be based upon the suggestions made on behalf of the United States of America as modified by the several powers which have made reservations thereon and upon the additional suggestions made on behalf of Great Britain and Italy; and that any further matters which the conference may subsequently decide to take into consideration shall similarly be first referred to the same committee.

Under this resolution a partial program was designed for the conference. Some delay and confusion which afterwards occurred would have been avoided if the conference had sent all new proposals to this committee to be properly formulated, instead of discussing them in plenary session, as was insisted upon by several of the delegations present.

Rule 8, as adopted by the conference, proved to be a cause for delay, and it was finally changed, on suggestion of the Japanese delegation, to read as follows:

> Every resolution or motion proposed for discussion by the conference must, as a general rule, be delivered in writing to the president, and be printed and distributed before being taken up for discussion.
>
> The resolution referred to in the present rule is one of such character as is destined to form the subject of international agreement and consequently to require a careful study beforehand; and does not include a resolution offered in the course of the sitting of the conference for transaction of business.
>
> Such proposals can not be voted on during the same session, without the unanimous consent of all the delegations.

Under the rules, the deliberations of the conference were to be kept secret, or at least not communicated by members of the conference to the press except through the agency of the press committee of the conference. It may be observed that this rule was not fully respected, and at one of the plenary sessions the president called the attention of the conference to the fact. Some adverse comment has been made because the conference chose to deliberate in camera. It should be stated in this connection that the American delegation was one of those opposed to a day to day publication of the proceedings of the conference, for it recognized that the conference was dealing with the production and traffic in commodities the present and future value of which would be largely determined by the definitive conclusions of the conference. It was, therefore, the desire of the American as well as the other delegations that nothing should go forth during the sitting of the conference that would lead to a speculative activity in the production of and trade in opium, morphine, and cocaine. This proved to be a wise view, for the convention as signed at The Hague had no sooner been published than there was a large increase in the market price of the drugs, part of which was undoubtedly speculative.

A feature which did not lend itself to the expedition of the work of the conference was the adoption of French as the official language, as provided by Rule XI. At the International Opium Commission English was the official language because the most convenient to the majority of the commissions. A large majority of the delegates to the conference preferred to speak English in spite of Rule XI, and the French delegation expressed itself bilingually. The proceedings were taken down in English, then translated into French, and printed in English as well as French, for the convenience of those delegates who were not thoroughly acquainted with the latter language. This procedure often led to delay, and it was not until the last two or three sessions that the conference could approve of its transactions to that time. This incident alone illustrates the necessity of a conference proceeding by a language most convenient to the majority of the delegates, when it has to deal with questions like the opium and allied questions involving vast economic interests.

Rule IV provided for a comité de redaction, or editing committee—the original intention being that this committee should have referred to it the final action of the conference for edition. In practice, however, this committee took up the day-by-day work of the conference, and attempted to reduce it before the ultimate views of the conferees had been expressed. Before the conference had been long in session disputed questions were also referred to this committee rather than to the program committee, or to a conciliating committee, which, mooted by the American delegation, did not prove to be acceptable to the conference. Some confusion ensued, and it finally became necessary for the conference to add to the editing committee Mr. Asser, the eminent international jurisconsult. Mr. Asser's services proved to be preeminently valuable, and before adjournment the conference unanimously expressed its debt of gratitude to him.

The American delegation fruitlessly strove to have the actual work of the conference done in commission and committee—a practice that had been followed with great success by the first and second International Peace Conferences, and by the more recent London Naval Conference. But the majority of the members of the conference insisted on thrashing out intricate and difficult economic and diplomatic questions in the plenary sessions. It is to be hoped that at future Hague conferences the plan of working details be by commissions and committees which shall report to the conference in plenary session for approval, and after such approval submit the reports to a small editing committee for final revision.

In spite of the difficulties attending a defective organization, it is to the great credit of all the representatives that they were animated by a lofty spirit and a determination that the conference should achieve the practical results which had been hoped of it. This hope was fruitful, although the convention, as signed, presents unique features as to ratification and effectuation.[1]

The positive results of the conference may be stated as follows: Immediately after the adjournment of the International Opium Commission there were drafted in the Department of State two measures designed to control the foreign and interstate traffic in the United States of opium, morphine, and cocaine. When the conference assembled, it was soon seen that the principles contained in those measures were principles that could be readily applied by an international conference to the international traffic in the commodities under consideration. It may be said, therefore, that the International Opium Convention, as finally agreed upon, is based in part on well recognized principles, or proposed principles, of American interstate and navigation law. That part of the convention having to do with central governmental control of the drugs is based on the best European and Japanese practice, which on the whole is far in advance of the practice of our Federal Government.

A review of the convention will make this occult [sic]. Chapter I defines raw opium, and contains pledges on the part of the powers for the governance of the domestic and international traffic therein; Chapter II, of similar import, applies to opium prepared for smoking; and Chapter III to medicinal opium, morphine, and cocaine. Chapter IV, of five articles, is composed of pledges on the part of the treaty powers represented at the conference aimed to assist China in suppressing her great and vexatious opium problem. Chapter V is composed of article 20 as to possible laws on illegal possession of opium, and article 21 as to international exchange of documents and statistics. Chapter VI, of four articles, is composed of final provisions on supplementary signature, ratification, effectuation, and arbitration of the convention such as have never before been seen in an international document.

The first paragraph of Chapter I gives a practical commercial definition of raw opium, and fairly well conforms to the definitions of this substance as provided for many years in tariff legislation of the United States.

By Article I of the convention the contracting powers pledge themselves to enact effective laws or regulations to control the production and distribution of raw opium, unless their existing laws and regulations have already regulated the matter. That is, by this article the interested Governments must effectually bring under some sort of Government supervision, either by the monopoly system as practiced in India, or by authorization of persons, the production and distribution of raw opium.

By article 2 of the convention the contracting powers pledge themselves to restrict the number of cities, ports, and other places through which raw opium may be exported or imported. This article is in accord with American practice, for by virtue of the regulations issued by the Secretary of the Treasury under authority of the opium exclusion act approved February 9, 1909, the importation of opium into the United States is confined to 12 named ports. In practice, the effect of this article will be to secure a more strict governmental control of the importation and exportation of raw opium for medicinal purposes.

Article 3 is one of the most important articles of the convention in that it marks the formal adoption of a new principle of international commercial law, which, although in this case applies to opium, was recognized by all the delegates as applicable by future conferences to all commodities in international transit. By article 3 the contracting powers pledge themselves to take measures (*a*) to prevent the exportation of raw opium to countries which prohibit or may prohibit its entry, and (*b*) to control the exportation of raw opium to countries which regulate or may regulate its importation. This article conventionalizes resolution 4 of the International Opium Commission, which was pressed by the American delegation and finally adopted by that commission. China had for 50 years or more contended against the exportation of Indian opium to China, frankly avowing first by protest and then by legalization of the traffic that she was unable to wholly prevent the inroad of the drug. That contention had been scorned by some of the greatest statesmen and economists of their day, the generally accepted view being that it was the business of a country prohibiting the entry of any drug or commodity to prevent its importation, an exporting country not being greatly concerned with the destination of the exported article.

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[1] See above, p. 202.

Upon the ratification by the various Governments of the present convention, by virtue of article 3, it will become an accepted principle of international commercial law that where a country has prohibited the importation of a drug or commodity, it is the business of a producing country to prevent the exportation of such products to the prohibiting country, or to prevent the exportation of such products unless the exporter conforms to the importation regulations of a regulating country. All the delegates recognized that this principle—though by this convention specifically applied to the opium traffic—could nevertheless be made applicable to any obnoxious or dangerous commodity in international trade. The adoption of this principle is of great credit to those opium-producing countries vitally affected by it. As concerns the United States and its possessions, in which no opium of any amount is produced, it is of great practical value, and when it becomes effective, will enable the preventive service of the customs to effectually exclude opium except for medicinal purposes, as provided for by the opium-exclusion act approved February 9, 1909, proposed legislation to strengthen that act, and Philippines legislation having the same object in view.

By article 4 of the convention the contracting powers pledge themselves to enact legislation or issue regulations providing that every package containing raw opium intended for export shall be marked so as to indicate its contents provided the shipment exceeds 5 kilograms. It was an object of the American delegation to secure that every package of opium for export should bear such marks. But as by Treasury regulation issued under the authority of the opium-exclusion act of February 9, 1909, delivery is made by the customs service of packages of opium containing not less than 100 pounds, it may be said that this article, as adopted by the conference, marks a decided advance on American practice.

By article 5 the contracting powers shall permit only duly authorized persons to import and export opium. In practice this will mean that all persons importing and exporting opium must eventually receive governmental authorization.

Chapter II of the convention is of striking importance, as it provides for the obliteration in a short time of the manufacture, exportation, imporation, and use of opium for smoking purposes, and, in the meantime, for the confining of such manufacture and use to territories where such manufacture and use now obtain by totally forbidding the export of this form of opium to countries which have prohibited its entry and use or to countries which propose in the future to prohibit its entry and use.

The first paragraph of Chapter II defines the substance known as opium prepared for smoking, and by article 6 the contracting powers pledge themselves to take measures for the control, and ultimately effective suppression of the manufacture, domestic traffic in, and use of this form of opium.

When it is recalled that not 10 years ago there was a large and influential body of public officials and others here and abroad who saw no harm, economic, moral, or otherwise, to oriental peoples, in opium smoking, the importance of article 6 will be recognized. It marks the right-about of such opinion, and a recognition by the Governments and peoples concerned that the opium-smoking vice is generally degrading beyond all benefits to revenue that may accrue from the manufacture, importation, exportation, and use of this form of opium, and a determination on the part of those Governments and peoples to bring the vice to a speedy conclusion.

By article 7 the contracting powers pledge themselves to prohibit not only the importation of the smokable form of opium, but also its exportation—

thus conforming to one of the principles embraced by the opium exclusion act of February 9, 1909, and the proposed amendment thereto.

By article 8 of the convention the contracting powers which are not yet ready to prohibit the exportation of opium prepared for smoking are pledged to restrict the number of places through which such opium may be exported; to prohibit its exportation to countries which now or hereafter may prohibit its importation; in the meantime to forbid the shipment of any prepared opium to a country that wishes to restrict its admission, unless the exporter complies with the regulations of the importing country; to take measures to have each parcel exported bear a special mark indicative of the nature of its contents, and allow none but specially authorized persons to export this pernicious form of the drug.

It might seem from a hasty reading of article 8 that a general international traffic in prepared opium is sanctioned. But such is not the case, for it should be borne in mind that where it had become necessary every country represented at the conference had prohibited the importation, and in some cases the exportation and use of this form of opium, and the colonies and possessions of all of the countries except Portugal had passed strict laws forbidding the importation and in most cases the exportation of prepared opium. The notable instance of this not having been done is in the Portuguese Colony of Macau on the China coast, where large quantities of this form of opium have been and are still manufactured both for use in the colony and for exportation—the object being colonial revenue. The great mass of this opium is intended for Chinese and other consumers in the United States, the Philippine Islands, Canada, and Mexico. By the opium exclusion act of February 9, 1909, the importation of this form of the drug into the United States is prohibited. The importation, manufacture, and use of it is prohibited in the Philippines.

A recently enacted Canadian statute not only forbids the importation of this form of the drug, but its manufacture, transshipment, or exportation. The Attorney General has held that under our opium-exclusion act of February 9, 1909, prepared opium may be imported into the United States for immediate transshipment by sea. Mexico has no law on the subject. The result is that the great mass of Macanise opium is brought to San Francisco and immediately transshipped by sea to western Mexican ports, from whence it, added to the direct Mexican import, is mostly smuggled into the United States across the Mexican border. Therefore, Portugal, at her colony of Macau, is the only country to-day which permits the export of this vicious form of opium, while the ports of all those countries parties to the convention are closed to it. The measures necessary to counteract and suppress this traffic to the United States are embodied in a proposed amendment to the opium-exclusion act of February 9, 1909, and will be adverted to later. It will be shown that if the Congress will enact the proposed amendment the international traffic in smoking opium will be practically wiped out.

Chapter III of the convention is an important one and proved to be the most difficult to formulate of all the chapters of the convention except that one containing the final provisions. The traffic in raw opium and opium prepared for smoking had been thoroughly studied by the International Opium Commission at Shanghai and by the various national commissions appointed by the interested Governments before that commission met, or which sat in the interval between the adjournment of the International Opium Commission and the assembling of the International Opium Conference. After the British Government made it a sine qua non that their participation in the International Opium Conference would depend upon the willingness of the interested Governments to pledge themselves to the same drastic legislation for the control of the production, manufacture, and trade in morphine and cocaine as in regard to opium, all the interested Governments willingly assented to this proposal when it was presented to them by the United States and the Netherlands Government on behalf of Great Britain. But a new factor was, nevertheless, injected into the problem and had to be met.

The necessity for the British proposals had become obvious to all the Governments interested in the Far East; for, beginning with the suppression of the opium vice in China and other far eastern countries, a determined, and one almost might say a calculated, effort was made by the manufacturers of morphine and cocaine to introduce these drugs in replacement of opium. Such efforts had largely succeeded, and to the world was presented the spectacle of many great Governments willingly sacrificing or providing for the sacrifice of an aggregate annual opium revenue in the neighborhood of $100,000,000, only to see the subjects of some of them pressing two other deadly drugs into the hands of those far eastern people who had heroically determined and were bent upon the abandonment of the opium vice. The British proposals in regard to morphine and cocaine were eminently sound, practical, and essential, and it became the duty of the International Opium Conference to provide against the abuse of morphine and cocaine similarly as regarded opium.

Chapter III of the convention is not by any means ideal, but represents a fair compromise of conflicting interests, and will no doubt be perfected by future conferences on the question. The first paragraph of Chapter III defines medicinal opium as opium that must contain not less than 10 per cent of morphine. This is superior to the tariff practice of the United States, which provides for the admission of medicinal opium containing not less than 9 per cent of morphine, but it confirms the standard for medicinal opium set by the International Pharmaceutical Conference of 1906, to which the United States is a party. Morphine, cocaine, and heroin are also defined by this paragraph.

By article 9, Chapter III, the contracting powers pledge themselves to enact laws or regulations so as to restrict the manufacture, sale, and use of morphine and cocaine and their respective salts to medicinal and legitimate uses only, unless their existing laws and regulations already cover the matter. This article appertains to national legislation only, and it will be pointed out later that the United States is the most backward of all the western nations and almost strikingly behind Japan in this phase of legislation.

Article 10, Chapter III, is weak in that the powers only pledge themselves "to use their best efforts to control or cause to be controlled" those who manufacture, import, sell, distribute, or export morphine, cocaine, and their respective salts and the buildings in which such persons carry on that industry or trade. The article then goes on to lay down the specific manner in which this object shall be accomplished.

There was a willingness on the part of all the delegations to formulate this article as strictly as the articles dealing with raw opium and opium prepared for smoking. But there were certain constitutional difficulties in the way—notably in the case of Germany—and article 10 was a compromise based on the fact that Germany has extremely strict and effective National and State laws governing the question dealt with by article 10. This is also true of several of the other European countries represented in the conference, and certainly of Japan.

By article 11 the contracting powers are to take measures to prohibit in their home trade any delivery of morphine, cocaine, and their respective salts to any but authorized persons, and by article 12 the importation of morphine and cocaine is restricted to persons authorized by the Government.

What was said of article 10 may be said of article 13, where the contracting powers do not pledge themselves to adopt, but only to use their best efforts to adopt or cause to be adopted measures to prevent the exportation of the named drugs from their home territories, possessions, colonies, and leased territories to the countries, possessions, colonies, and leased territories of the other contracting powers, and provides that each Government may communicate from time to time to the Governments of exporting countries the lists of persons to whom authorization or permits to import the named drugs shall have been granted. It was the hope of the American delegation that a distinct pledge be made by the interested Governments to enact legislation to prevent the exportation of these drugs except by authorized persons in one country to authorized importers in another. But it was not found possible to secure this.

By article 14 the contracting powers pledge themselves to apply their laws and regulations governing the manufacture, importation, sale, and exportation of morphine, cocaine, and their respective salts to medicinal opium and to all preparations of opium containing not more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine and heroin, and also to any new derivative of morphine and cocaine, or any other alkaloid of opium which might be shown by general scientific research to occasion similar abuses and result in like noxious effects. Article 14 again represents a compromise. The American and several other delegations pressed to have the exceptions in this article as to percentages of morphine, cocaine, and heroin deleted, but failed to accomplish their purpose.

Chapter IV is composed of articles governing the opium traffic as it has obtained in the past between China and the nationals of several Governments represented. The interest of the United States in this chapter may be said to be important, because it contains principles for which the Chinese Government and people long contended, principles which were supported by the United States in its first treaty (1844) with China, and by Article II of the treaty of 1880 with China, which directly prohibit American citizens from entering into the Chinese foreign or coastwise traffic in opium. Chapter IV bears somewhat on the great concession made to China by Great Britain by the so-called 10-year agreement of 1907 and the modification of that agreement, signed at Peking May 8, 1911.

To make this clear a digression may now be made, for one of the purposes of this Government in initiating the international movement for consideration of the opium traffic in the Far East was to have the interested powers determine if the Indo-Chinese opium traffic and the collateral opium traffic to the Philippines could not be mitigated or abolished. Coincident with this purpose, the great leaders of the British Government, more particularly Sir Edward Grey, Lord Morley, Earl Crewe, and Lord Minto as Governor General of India, determined upon an agreement with China by which the Indo-Chinese opium traffic should be abolished pari passu with the suppression of the production of opium in China. During 1907 an important agreement was arrived at by the British and Chinese Governments whereby the then annual exportation of Indian opium, 67,000 chests of about 140 pounds each, was to be reduced by 10 per cent per annum of the then Chinese import of the drug—51,000 chests—on condition that China suppressed her internal production of opium—about 300,000 chests per annum—at the same rate; that is, the total export of opium from India to all countries was to be reduced by 5,100 chests a year, and the Chinese production by about 30,000 chests, the object being the obliteration of the Indo-Chinese opium traffic and the internal production of opium in China in 10 years, beginning January 1, 1908. This agreement was entered into by both parties with sincerity and determination, and Lord Morley later intimated that should China outrun her part, the British Government would modify the agreement in her favor. There was a great and wide-spread doubt as to China's ability to live up to the agreement of 1907. But by April, 1911, the Chinese Government was able to demonstrate to a British official appointed for that purpose that they had more than carried out their part of the agreement by completely suppressing the production of opium in certain of the Chinese provinces, and reducing the production in other provinces from 30 to 75 per cent.

It is worthy of note that the British official just referred to, Sir Alexander Hosie, a representative of the British Government at the International Opium Commission, reported that in the great Province of Szechuan, which, before the Anglo-Chinese Agreement of 1907, was producing more than 200,000 piculs (picul=133⅓ pounds) of opium, had completely suppressed its production at the time he reported, and that in the great Province of Yunnan, where there has been a production of 60,000 piculs, such production has been reduced 75 per cent. This had been accomplished by a loosely organized empire as the result of imperial edicts which, running through the land, received the moral support of a great majority of the Chinese people, their viceroys and governors of provinces, magistrates, and other officials.

Thereupon on May 8, 1911, the British Government agreed with China that there should be a modification of the agreement of 1907. The chief points of the new agreement are as follows:

1. The British Government recognizing the sincerity of the Chinese Government and their pronounced success in diminishing the production of opium in China during the three years from January 1, 1908, expressed their willingness to continue the arrangement for the unexpired period of seven years on the following conditions:
2. From the 1st of January, 1911, China shall diminish annually for seven years the production of opium in China in the same proportion as the annual export from India is diminished until total extinction of the Chinese production in 1917.
3. The Chinese Government having adopted a most rigorous policy for prohibiting the production and the transport of native opium produced in China, the British Government expressed their agreement with this policy and their willingness to give every assistance. With a view to facilitating the continuance of this work, His Majesty's Government agree that the export of opium from India to China shall cease in less than seven years if clear proof is given of the complete suppression of the production of native opium in China.
4. His Majesty's Government also agreed that Indian opium shall not be conveyed into any Province in China which can establish by clear evidence that it has effectively suppressed the cultivation and import of native opium produced in China.
5. During the period of the new agreement China shall permit His Majesty's Government to obtain continuous evidence of the diminution of production of native opium by local inquiries and investigation conducted by one or more British officials, accom-

panied—if the Chinese Government so desire—by a Chinese official. The decision of these inspectors as to the extent of the production of native opium in China is to be accompanied [sic] by both parties to the agreement.

6. By the arrangement of 1907, the British Government agreed to permit China to dispatch an official to India to watch the opium sales, on condition that such official would have no power of interference. His Majesty's Government now agree that the official so dispatched may be present at the packing, as well as at the sale of opium on the same conditions.

7. The Chinese Government undertakes to levy a uniform tax on all opium produced in the Chinese Empire, while the British Government consent to the increase in the present import duty on Indian opium to 350 taels per chest of 100 catties—such increase to take effect as soon as the Chinese Government levy an equivalent excise tax on all native opium.

8. With a view to assisting China in the suppression of opium, the British Government undertakes that from 1911, the Government of India will issue an export permit, with a consecutive number for each chest of Indian opium declared for shipment to or for consumption in China. During the year 1911 the number of permits so issued is not to exceed 30,000, and shall be progressively reduced annually by 5,100 during the remaining six years ending 1917. His Majesty's Government undertakes that each chest of opium for which such permit has been granted shall be sealed by an official deputed by the Indian Government, in the presence of the Chinese official, if so requested.

9. Both parties agree that should it appear on subsequent experience desirable at any time during the unexpired portion of seven years to modify the agreement or any part thereof, it may be revised by mutual consent.

The agreement of 1911 has an annex providing for the release into China of some thousands of chests of opium held by traders. But the number of these chests is to be deducted from the gradually waning annual exportation from India, permitted by the agreement of 1907 and by the later agreement.

The agreement of 1907 between Great Britain and China, and the modification of that agreement of May 8, 1911, just outlined, is perhaps the finest example of the comity of nations recorded in modern times. After a controversy sustained for over 100 years both parties to the Indo-Chinese opium trade have now determined upon the gradual and effective suppression of that trade, and one of them—China—has agreed, and has so far most effectively carried out its agreement, to suppress an internal production of opium six times greater than the foreign traffic in the drug.

The acceptance of Chapter IV of the International Opium Convention by the treaty powers represented at the conference broadens this comity and will prevent any nation signatory to the convention taking unfair advantage of the special Anglo-Chinese agreement.

To continue an outline of the International Opium Convention, it may be stated that by Chapter V, composed of two articles, the contracting powers agree to examine the possibility of enacting laws or regulations making the illegal possession of the drugs named in the convention liable to penalties unless existing laws or regulations have already done so; and they are to communicate to each other through the Netherlands ministry for foreign affairs the text of the laws and the administrative regulations which concern matters aimed at by the convention; also statistical information with respect to that which concerns the traffics covered by the convention.

But especially attention should be directed to Chapter VI of the convention containing its final provisions. This chapter, composed of articles 22, 23, 24, and 25, marks a radical departure from final provisions as seen in any other international convention. It recognizes the futility of an attempt on the part of a minority of the powers of the world to bring under control the international traffic in anything which may be produced or trafficked in by the nationals of any State, and would seem to have irretrievably determined that future international conferences, such as the International Opium Conference, must be composed of and its convention to be effective signed by an overwhelming majority of the States directly or indirectly interested. Nearly all international conventions similar to the opium convention heretofore signed have been signed by delegates of a comparatively small number of the major and minor States, and generally speaking, their final provisions have permitted of the adhesion of States not represented at the conference, and have provided for ratification by the signatory powers in the shortest possible time—usually not to exceed two years.

The International Opium Conference had no sooner assembled than certain of the delegations pointed out that it would be useless for those States represented in the conference, and who were the largest producers and traders in opium, morphine, cocaine, etc., to agree to radical measures for the international control of these drugs, so long as it was open to the nationals of those States not represented at the conference to continue or take up the production of and traffic in them.

It was contended by the American delegation, and they were not alone in this contention, that the International Opium Conference was composed of nations representative of the civilized world; therefore that the delegates should pledge their Governments to the convention, and that the ordinary form of adhesion and ratification should be adopted as the final provisions of the convention. The American delegation was urged to this contention by the belief that those Governments interested and not represented at the conference would soon adhere to what had been signed, as they had many times adhered to other conventions to which they were not directly signatory. But this view was not favored by a majority of the delegations present, and the conference finally decided, as provided by article 22 of the convention, that the powers not represented at the conference shall be permitted to sign the present convention, and that to this end the Netherlands Government shall invite immediately after the convention shall have been signed all the powers of Europe and of America not represented at the conference (and then is enumerated the 34 other powers of Europe and America) to designate a delegate armed with the full powers necessary for signing of the convention at The Hague.

Article 22 proceeds to provide that the convention shall be furnished with the signatures of the other powers by means of a "Protocol of signature of powers not represented at the conference," to be added after the signatures of the powers represented, and indicating the date of each signature; and that the Netherlands shall give a monthly notice to all the signatory powers of each supplementary signature.

Article 23 provides that after all the powers, as much for themselves as for their possessions, colonies, protectorates, and leased territories shall have signed the supplementary protocol of signatures, the Netherlands Government shall invite the powers to ratify the convention, together with the protocol of signature.

In case the signature of all the powers invited shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications. Ratifications shall then be executed within as short a time as possible, and shall be deposited at once at The Hague in the ministry for foreign affairs. It is also provided that the Netherlands Government shall give notice to all the powers who shall have ratified the convention, and of the date on which the last of such acts of ratification shall have been received.

By article 24, it is provided that the convention shall go into effect three months after the date on which the Netherlands Government gives notice of ratification to the powers, and again that all laws, regulations, and other measures provided for by the convention shall be drawn up not later than six months after the effectuation of the convention; it is further provided that these measures shall become operative subject to an agreement between the signatory powers at the instance of the Netherlands Government.

It is important to notice that the last paragraph of article 24 provides that in case questions arise relative to the ratification of the convention, for effectuation of the convention, or the effectuation of the laws, regulations, and measures which the convention involves, the Netherlands Government, if these questions shall not be decided by other means, shall invite all the signatory powers to designate delegates who shall assemble at The Hague to come to an immediate agreement on these questions. This is a novel feature, and as it will be readily seen practically provides for an arbitration at The Hague of any disputes growing out of the terms of the convention.

Article 25 of the convention is common form, and contains the usual provision for denunciation, for the deposit of the convention, and for the transmission of certified copies of it to the powers represented at the conference.

It may be stated that the novel final provisions of the convention were designed because of the difficulties connected with its Chapter III concerning morphine and cocaine. Chapters I and II concerning the production and traffic in raw and prepared opium and Chapter IV concerning China are composed of distinct pledges by the signatory powers made on questions on which there was little or no disagreement, and to which it was thought the powers not represented at the conference would readily adhere. Chapter III, on the other hand, deals with the question of the traffic in morphine and cocaine, on which there was disagreement considerable enough to compel certain of the delegations to hold that the chapter could not be effectuated by the signatory powers until it was subscribed to by the States not represented in the conference. Therefore the novel final provisions were designed because of the difficulties connected with the contents of Chapter III, and the ratification of the entire convention must now wait upon the necessary supplementary signatures of 34 other States.

Toward the end of the conference, and with the object of escaping this dilemma, the American delegation proposed that the convention should be broken in two parts—one to be composed of Chapters I, II, IV, and V, on the contents and strict pledges of which all the delegations were agreed, and to have as final articles the ordinary form of such articles in other conventions which provide for adhesion and ratification; the other convention to be composed of Chapters III and VI, the latter to contain the novel final articles as eventually adopted for the convention as it now stands. The American view, however, was not acceptable to a majority of the delegations, and therefore was not pressed.

In addition to the convention the delegates to the International Opium Conference signed a protocole de clôture, which contains the following views: That the conference is of the opinion that there is reason to draw the attention of the Universal Postal Union to the urgency of regulating the transmission by post of raw opium; to the necessity of regulating as far as possible the transmission by post of morphine and cocaine and their respective salts, and of the other substances contemplated by article 14 of the convention; to the necessity of prohibiting the transmission of prepared opium by post and of the advisability of the study of the question of the Indian hemp drugs from the statistical and scientific standpoint with a view to regulating their misuse should the necessity thereof make itself felt.

Generally speaking, it may be said that the convention is satisfactory, and illustrates that the most powerful nations in the world are now agreed that an evil such as the opium evil is never wholly national in its incidence, can never be suppressed by two nations alone—as was supposed to be the case in regard to the Indo-Chinese opium traffic—but that such an evil as it appears in one State is a concomitant or reflex of a similar evil in other States and is therefore international in its moral, humanitarian, economic, and diplomatic effect; that this being so, few evils can be eradicated by national action alone; and therefore only by the cooperation of all the States directly or indirectly interested can such an evil be mitigated or suppressed.

The convention marks a decided step in advance in the international movement for the suppression of the opium evil initiated by the United States. This movement at first was thought to concern only those countries of the Far East, or those western nations having territorial possessions in the Far East—five or six in number. But it has proceeded by way of a sober international commission of inquiry, composed of commissioners representing 13 nations, and by a conference composed of delegates with full powers representing 12 of these nations. These delegates having formulated and signed on behalf of their Governments a convention containing strict pledges for national legislation and international cooperation, the convention has now been presented to the remaining States of Europe and America—34 in number—for their signature.

But, quite apart from the contents of the convention itself, the international movement initiated by the United States has had a directly beneficial effect on the interested nations, for pending the assembling and action of the International Opium Commission, and while the diplomatic correspondence, aimed to secure The Hague conference, was in progress, many of the Governments concerned perfected domestic legislation for the suppression of the evils connected with opium and other narcotics, and took measures concerning the export of these drugs which were of international significance.

By the final provisions of the convention contained in Chapter VI, there will probably be a delay of a year before the convention can be ratified by the signatory powers and those powers who agree to sign the protocol of supplementary signature. That, however, is of little moment compared to the new international comity which has been established by the document, and the furtherance by it of new principles of international commercial law; while the deduction may be made from article 22 of the convention, that all future Hague conferences dealing with matters of general international commerce must be composed of an overwhelming majority of the nations.

There is, however, one aspect from which the convention may be viewed that should be disquieting to the Government and the people of the United States. It has just been stated that a reflex effect of the initiation by the United States of the international movement for the abatement of the opium evil took the form of improved domestic legislation in nearly all the countries concerned, of very drastic legislation in some, while one country at least—Great Britain—both by national and colonial law, effectuated resolution 4 of the International Opium Commission, as now embodied in article 3 of the International Opium Convention.

The one nation which has not been vitally affected by the international movement initiated by the United States is the United States itself, except in the Philippines. In the islands there are model antinarcotic laws; but, in spite of repeated urging by the Executive, the Congress so far has failed favorably to consider carefully drafted measures aimed to bring the continental United States into line and in accord with the principles now embraced by the International Opium Convention. A good beginning was made by the Federal Government, as may be seen by reference to the opium act approved February 9, 1909. This act is imperfect—the only effect which it could possibly have being to prevent the legal importation into the United States of the vicious form of opium known as opium prepared for smoking.

The Federal Government legalized the importation of the latter form of opium by the tariff act of 1860, and from that year until the opium-exclusion act became effective on April 1, 1909, there were legally imported into the United States over 4,000,000 pounds of this debasing form of the drug on which the Government collected a customs tax of nearly $27,000,000. In addition to the legal importation from 1860 onward, almost half as much again of this form of opium is supposed to have been smuggled into the United States. The evils, economic as well as moral, associated with the importation and use of this form of the drug can not be accurately computed, but what might be fairly called an underestimate of them was set forth in the report made on behalf of the American delegates to the International Opium Commission. (S. Doc. No. 377, 61st Cong., 2d sess.)

Just prior to the assembling of the International Opium Commission at Shanghai in February, 1909, it became apparent to the Department of State that the American Government had invited the cooperation of 12 nations to mitigate or suppress the opium evil as seen in Far Eastern countries, but had failed to recognize that it had legalized the importation of that form of the drug which had been most baneful in its effect on the people of China and of other Asiatic States. It was at once seen that it would be quite impossible for the American commissioners to appear at Shanghai until the Federal Government had taken some step toward a house cleaning. This was promptly done in part by the passage of the so-called opium-exclusion act just after the International Commission had convened.

Animated by the example of the Federal Government, some 30 of the States have improved the intrastate legislation aimed to confine narcotics to legitimate uses, but since February 9, 1909—the date of approval of the just mentioned act—no further decided congressional action has been taken, and the United States is now in the position, after having received the cordial cooperation of 12 powers, of being far behind in the movement to accomplish the purpose to which the American Government set itself in the autumn of 1906, when the first steps were taken to secure such cooperation.

There is no doubt that during the sittings of the International Opium Conference at The Hague the American delegation was placed in a somewhat embarrassing position, owing to the neglect of the Congress to pass legislation which had been urged upon it by the Executive, aimed to perfect the opium-exclusion act of February, 1909, and to bring under efficient control the export and interstate commerce in opium and other habit-forming drugs. Both formally and informally, it was pointed out to the American delegates at that conference that the other nations could have little hope for a final suppression of the opium and allied evils by international action so long as the United States, which had initiated the movement, failed to adopt the standard of national control in vogue in several European nations and in Japan.

Three bills with this purpose in view have been urged upon Congress since March, 1910. They are entitled as follows:

(*a*) A bill to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909;

(*b*) A bill to amend the act of October 1, 1890 (26 Stat., p. 1567) regulating the manufacture of smoking opium within the United States;

(*c*) A bill imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs.

A fourth bill has been designed to carry out the pledges of this Government as contained in resolutions 8 and 9 of the International Opium Commission and as now pledged by this Government by virtue of article 16 of the International Opium Convention. The title of that bill is as follows:

(d) A bill to regulate the practice of pharmacy and the sale of poisons in the consular districts of the United States in China.

The bills (*a*), (*b*), (*c*), were drafted after a wide consultation with all the interests likely to be affected (see S. Doc. No. 377, 61st Cong., 2d sess.). They have the general support of the pharmacy boards of the different States of the Union which are charged with the enforcement under the police power of the States, of the State acts for the regulation of pharmacy and the sale of narcotics; of the legislative committee of the National Retail Druggists' Association; and of the legislative committee of the National Wholesale Druggists' Association.

Since the adjournment of the International Opium Conference on the 23d of last January, these bills (*a*), (*b*), and (*c*), have been carefully revised by a joint committee composed of representatives of the Department of State and of the Treasury Department, and their speedy consideration has been urged upon the Congress by the Secretary of State and the Secretary of the Treasury. Finally, it may be stated that the President has commended to Congress, with his approval, the legislation in question:

First. By a message transmitting from the Secretary of State a report on the International Opium Commission and on the opium problem as seen within the United States and its possessions (S. Doc. No. 377, 61st Cong., 2d sess.)[1];

Second. In his annual message to the Congress, December 7, 1910;[2]

Third. In a special message to the Congress, transmitting a report of the Secretary of State relative to the control of the opium traffic (S. Doc. No. 736, 61st Cong., 3d sess.)[3]; and

Fourth. In his message on foreign relations, communicated to the two Houses of Congress December 7, 1911.[4]

It has been pointed out above that the United States had collected in customs duties, from 1860 until April 1, 1909, nearly $27,000,000 from the legalized importation of that vicious form of opium known as opium prepared for smoking, and that the use of this drug within the United States had caused an economic and moral degradation which could not be accurately computed.

Since June, 1908, the Congress, on the request of the Executive, has appropriated $45,000 to enable the Government to secure international and national action for the mitigation or suppression of the evils connected with opium. Such international action has been secured at an expense wholly at variance with the large revenue which accrued to the Government as the result of the lgal importation of prepared opium. This supply of $45,000 has been administered more than economically, and has enabled the Government to support for four years a commission composed from time to time of from one to three members, to send three delegates to an International Opium Commission in the Far East, and later three delegates and the necessary secretaries to an International Opium Conference at The Hague. Therefore, it is the mature conclusion of those who have, under the Secretary of State, been intrusted with the work connected with the national and international aspects of the opium question that the Congress, having financially supported the Executive in its successful effort to ameliorate the international aspects of a great evil by the cooperation of 12 States extending over a period of four years, that the Congress should speedily consider and pass the legislation so urgently needed to redeem the position of this Government, and to place it in the advanced line achieved in domestic legislation by a majority of the interested nations, and now formally agreed to by a conference composed of the delegates of 12 States representing the highest civilization of the West and East.

We have the honor to be, sir, your obedient servants,

HAMILTON WRIGHT,
On behalf of the American Delegates.
FREDERIC L. HUIDEKOPER.
Secretary to the American Delegation.

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[1] Not printed in For. Rel.; see p. 182 for reference to it.
[2] Should be 1909. See For. Rel. 1909, p. xix.
[3] See p. 182.
[4] For. Rel. 1911, p. xxiv.

House Doc. No. 861, 62d Congress, 2d sess.

The Secretary of the Treasury to the Speaker of the House of Representatives.[1]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 2, 1912.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of State of June 29, 1912, submitting an estimate of appropriation in the sum of $25,000 in connection with the international effort to eradicate the opium evil, as follows:

> To enable this Government to continue its efforts to mitigate if not entirely stamp out the opium, morphine, and other allied drug evils by further investigations and proceedings, and through another international conference, if necessary, to make effective the results heretofore accomplished, twenty-five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

Respectfully,

FRANKLIN MACVEAGH.

The Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, June 29, 1912.

SIR: For some five years past this Government has been in the forefront of the international effort to eradicate the opium evil as seen in far eastern countries, more especially in China and in the Philippine Islands. On the initiative of this Government there have been held, first, an international commission to scientifically study the various aspects of the question, and, recently, an international opium conference, composed of delegates with full powers, to give the force of law and of international agreement to the recommendations of the previously held commission. In all this time this Government has had the hearty cooperation of 12 other nations of Europe and Asia, and the movement has been broadened so as to include the opium and allied evils as seen in the national territories of the powers concerned. By the international opium convention signed at The Hague on January 23 last the movement was still further broadened, provision having been made for the cooperation of the remaining 34 powers of Europe and America.

On May 28 last I had the honor to transmit to the President, who in turn transmitted it to the Congress (S. Doc. No. 733, 62d Cong., 2d sess.), a report[2] of the American delegation to the international opium conference. This report carefully analyses what has already been accomplished by the thirteen Governments concerned, and also the convention signed at The Hague, and explains the diplomatic and economic difficulties which may make necessary the holding of another conference at The Hague in the near future, at which final action on the questions involved is to be taken.

Pending future international action by the large number of powers concerned, it is essential that this Government continue its activity in the consideration of legislation and other matters necessary to enable the United States to redeem pledges entered into by virtue of the international opium convention recently signed at The Hague, and to assist the Netherlands Government to obtain adhesion to the convention by the Latin-American States.

Appropriations made by the Congress for the furtherance of this work have been set forth in the above-mentioned Senate document, and it has been pointed out therein that the $45,000 thus appropriated has been more than economically administered, and that the results attained by the Department of State have been highly gratifying considering the limited amount of the appropriation. It has been pointed out that the direct benefit which has accrued to the United States and its possessions as the result of the international movement for the settlement of the opium problem has been many times greater than the amount so far appropriated by the Congress and, further, that it has been a principle of the Department of State to request small appropriations to carry on the work as it develops, rather than a single large appropriation which it has known might be necessary to bring the work to a conclusion.

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[1] Referred to the Committee on Appropriations July 3, 1912, and ordered to be printed.
[2] See p. 207.

The appropriation made by the Congress is now practically exhausted, and an additional sum is necessary for the conclusion of the great humanitarian object, through the cooperation of the Federal Government with that of the Netherlands and with those of the other foreign powers.

I have therefore the honor to request that you be good enough to submit to the Speaker of the House of Representatives, with a view to its inclusion in the general deficiency bill, the following item of appropriation:

> To enable this Government to continue its efforts to mitigate if not entirely stamp out the opium, morphine, and other allied drug evils by further investigations and proceedings and through another international conference, if necessary, to make effective the results heretofore accomplished, twenty-five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

I have [etc.].

P. C. KNOX.

NOTE.—On July 10, 1912, the Secretary of the Treasury called the attention of Congress to the foregoing letter of July 2, 1912, and added his own recommendation to that of the Secretary of State, relative to the urgency of the desired appropriation of $25,000. (House Doc. 1043, 62d Congress, 3d session.)

House Doc. No. 1043, 62d Cong., 3d sess.

The Secretary of the Treasury to the Speaker of the House of Representatives.[1]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 2, 1912.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of October 28, 1912, submitting an estimate of appropriation in the sum of $25,000 to enable this Government to continue its efforts to mitigate the opium, morphine, and other allied drug evils.

A similar estimate was transmitted to Congress at the request of the Secretary of State on July 2, 1912 (H. Doc. No. 861, 62d Cong., 2d sess.), for inclusion in the general deficiency bill, but was not so acted upon by Congress, and the Secretary of State renews the estimate at this time with a view to its inclusion in an urgent deficiency bill.

Respectfully, FRANKLIN MACVEAGH.

[Inclosure.]

The Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, October 28, 1912.

SIR: On June 29 of this year I had the honor to address you requesting you to be good enough to submit to the Speaker of the House of Representatives, with a view to its inclusion in the general deficiency bill, an item appropriating $25,000 to enable this Government to continue its efforts to mitigate the opium, morphine, and other allied drug evils. In accordance with my request, on July

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[1] Referred to the Committee on Appropriations December 5, 1912, and ordered to be printed.

2 you addressed the Speaker of the House of Representatives in the above sense. The Congress, however, failed to include in the general deficiency bill the item in question.

In my letter it was pointed out that diplomatic and economic difficulties might make necessary the holding of another conference at The Hague in the near future, at which final action on the questions involved would be taken. It is now quite certain that a concluding conference will be held, convening early in the coming year, and bearing in mind the prominence of this Government in the international movement looking to the eradication of these drug evils, bearing in mind indeed that it was on the initiation of this Government that there was held, first, the international commission to study the various aspects of the question, and then the international conference of last winter, to finish the work of which the coming conference is to be called, the absolute necessity of the appropriation I am now requesting is apparent. The failure of the Congress to make this appropriation means the failure of this Government to assist in carrying out the work which it initiated, a work which it is manifestly pledged to conclude.

With a view to its inclusion in the urgent deficiency bill, I therefore have the honor to request you again to submit to the Speaker of the House of Representatives the following item of appropriation:

> To enable this Government to continue its efforts to mitigate if not entirely stamp out the opium, morphine, and other allied drug evils by further investigations and proceedings and through another international conference, to make effective the results heretofore accomplished, twenty-five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

I have the honor to transmit herewith copies of Senate Document No. 733, Sixty-second Congress, second session; of House Document No. 861 of the same Congress, and of your letter of July 10 to the Speaker of the House of Representatives. I have the honor to be, sir,

Your obedient servant,

P. C. KNOX.

NOTE.—The Netherlands Government on December 31, 1912, prepared a table showing the dates of signature of the "Protocol of signature of the powers not represented at the conference," as far as such signing had progressed up to and including December 31, 1912, as follows: Costa Rica, April 25; Mexico, May 15; Guatemala, June 17; Belgium (with reservation as to the Belgian Congo), June 18; Luxemburg, June 18; Panama, June 19; Ecuador, July 2; Honduras, July 5; Salvador, July 30; Haiti, August 21; Venezuela, September 10; Brazil, October 16; Argentina, October 17; Spain, October 23; Dominican Republic, November 12; Paraguay, December 14; Denmark, December 17. (File No. 511.4A1/1355.)

COLOMBIA.

MESSAGE OF THE PRESIDENT, DON CARLOS E. RESTOEPO, TO THE CONGRESS, JULY 20, 1912.

File No. 821.032.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

American Legation,
No. 81.] *Bogotá, July 31, 1912.*

Sir: I have the honor to enclose herewith in duplicate copies of the Presidential Message to the Congress of 1912, together with translations of that part of the message pertaining to foreign affairs.

* * *

I have [etc.]

Leland Harrison.

[Inclosure.—Extract.—Translation.]

* * * Diplomatic relations with the United States have been cordially maintained since the incident that resulted in the change of the minister at Washington,[1] and there is reason to hope that the present sympathy for the cause of Colombia in the United States will have as its natural outcome a just and honorable arrangement of the differences which today unhappily exist between the two nations by reason of the separation of Panamá.

CLAIM OF GONZALO RAMOS RUIZ v. THE UNITED STATES.

File No. 411.21 R85/11.

The American Minister to the Secretary of State.

American Legation,
No. 37.] *Bogotá, April 20, 1912.*

Sir: I have the honor to acknowledge receipt of Department despatch No. 7 dated December 29, 1911,[2] relating to the claim of Señor Ramos Ruiz for damages said to have been sustained by his house and furniture while occupied as the American Legation by Minister Charles Burdett Hart about ten years ago.

Immediately on receiving the despatch I obtained an interview with Mr. Ruiz in the Legation, and he said his claim was for over seven hundred dollars. Shortly after this interview his wife died and I refrained from further communication with him owing to his complete prostration. A few days since he called at the Legation and said that he was very feeble, and the claim had been so long under consideration he would give a receipt in full upon payment of $400, which according to Mr. Hibbin's No. 219, dated January 1, 1909, the Foreign Minister had mentioned as the basis of settlement.

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[1] General Pedro Nel Ospina resigned February 21, 1912; the new minister, Señor don Julio Betancourt, was received July 25, 1912.

[2] Not printed.

Mr. Ruiz is feeble and desires an early settlement, and has requested that if possible the amount $400 should be paid through this Legation. As the claim is from all I can learn a just one and the amount demanded reasonable, and as the existence of this claim militates against the prestige of this Legation, I earnestly recommend the payment of the $400 which Mr. Ruiz now offers to accept in full liquidation of his claim.

I have [etc.]

JAMES T. DUBOIS.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 28, 1912.

Ruiz matter, your dispatch No. 37. You will draw on the Secretary of State $400 and pay Ruiz in full settlement of his claim. When you make the payment point out to the Foreign Office that there is no legal liability attaching to this Government in the matter, but in view of all the circumstances the payment is made as an act of grace.

WILSON.

COSTA RICA.

MESSAGE OF THE PRESIDENT, DON RICARDO JIMÉNEZ, TO THE CONGRESS, MAY 1, 1912.[1]

[Extract—Translation.]

At the beginning of March we were the object, on the part of the Government of the United States of America, of a mark of great distinction. Its Secretary of State, His Excellency Mr. Ph. C. Knox, made us a visit of courtesy and friendship. His affability, the cordiality of his words, the satisfaction given by his speeches and the direct knowledge that he now possesses of ourselves and our conditions will guarantee the frank relations of the two Governments and the permanence of the close relations that have been constant in the past and will be more closely woven in the future, with the opening of the Panama Canal.

NATURALIZATION CONVENTION BETWEEN THE UNITED STATES AND COSTA RICA.

Signed at San José, June 10, 1911; ratification advised by the Senate, February 14, 1912; ratified by the President, March 29, 1912; ratified by Costa Rica, August 5, 1911; ratifications exchanged at San José, May 9, 1912; proclaimed, June 6, 1912.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Naturalization Convention between the United States of America and the Republic of Costa Rica was concluded and signed by their respective Plenipotentiaries at San José on the 10th day of June one thousand nine hundred and eleven, the original of which Convention, being in the English and Spanish languages is word for word as follows:

Convention to fix the condition of naturalized citizens who renew their residence in country of their origin

The President of the United States of America and the President of the Republic of Costa Rica, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Costa Rica and from Costa Rica to the United States of America, have resolved to conclude a convention on this subject and for that purpose have appointed their plenipotentiaries to conclude a convention, that is to say: the President of the United States of America, G. L. Monroe Jr., Chargé d'Affaires ad interim of the United States at Costa Rica, and the President of Costa Rica, Señor Licenciado don Manuel Castro Quesada, Minister for Foreign Affairs, who have agreed to and signed the following articles:

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[1] Transmitted by the American Chargé d'Affaires May 16 with dispatch No. 25.

Article I

Citizens of the United States who may or shall have been naturalized in Costa Rica, upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Costa Rica. Reciprocally, Costa Ricans who may or shall have been naturalized in the United States upon their own application or with their own consent, will be considered by the Republic of Costa Rica citizens of the United States.

Article II

If a Costa Rican, naturalized in the United States of America, renews his residence in Costa Rica without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally, if a citizen of the United States, naturalized in Costa Rica, renews his residence in the United States, without intent to return to Costa Rica, he may be presumed to have renounced his naturalization in Costa Rica.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

Article III

It is mutually agreed that the definition of the word "citizen" as used in this convention, shall be held to mean a person to whom nationality of the United States or Costa Rica attaches.

Article IV

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action punishable by the laws of his original country and committed before his emigration; but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

Article V

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Article VI

The present convention shall go into effect immediately on the exchange of ratifications, and in the event of either party giving the other notice of its intention to terminate the convention it shall continue to be in effect for one year more, to count from the date of such notice.

The present convention shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at San José or Washington within twenty-four months of the date hereof.

Signed at the city of San José on the 10th day of June one thousand nine hundred and eleven.

[SEAL.] G. L. MONROE JR
[SEAL.] MANUEL CASTRO QUESADA

And whereas the said Convention has been duly ratified on both parts and the ratifications of the two governments were exchanged in the City of San José on the 9th day of May, one thousand nine hundred and twelve;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this sixth day of June in the year of our Lord one thousand nine hundred and twelve, and [SEAL] of the Independence of the United States of America, the one hundred and thirty-sixth.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

VISIT OF THE SECRETARY OF STATE TO COSTA RICA.

File No. 033.1100 K77/11.

The Minister of Costa Rica to the Acting Secretary of State.

LEGATION OF COSTA RICA,
Washington, February 14, 1912.

MY DEAR MR. SECRETARY: I have the honor to acknowledge the receipt this afternoon of your esteemed letter dated yesterday, in which you were pleased to inform me that, [etc.] [1]

In answer thereto it affords me the greatest pleasure to say that the Government and people of Costa Rica appreciate in all its importance the happy thought of His Excellency the President and will receive with the deepest gratification the honor of the visit of his excellency the Secretary of State. I am sure that he will have an opportunity to notice how highly they regard the happy and cordial traditional amity which it has been and is the aim of Costa Rica to cultivate with the United States.

With many thanks [etc.]

J. B. CALVO.

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[1] For the letter referred to, see Panama, "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

File No. 033.1100 K77/52a.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 24, 1912.

The visit of the Secretary of State to the Republics surrounding the Caribbean Sea has long been in the mind of the President and is now suddenly decided upon for the reason that he considers the present moment peculiarly opportune. The approaching completion of the Panama Canal will, it is foreseen, initiate a new era in our intercourse with these Republics, one creating vast mutual interests and necessitating unity of effort if its benefits are to be fully secured. It is the earnest desire of this Government to establish closer political and commercial relations with them in anticipation of this new era, for the mutual furtherance of common ends and for the promotion of international peace and welfare. The visit is also for the purpose of carrying a message of good will, and is thus similar to that of Secretary Root in South America. It has no other objects than the above.

The foregoing is merely for your information and discreet personal use if this becomes locally the subject of conversation.

HUNTINGTON WILSON.

File No. 033.1100 K77/91.

The American Chargé d'Affaires to the Acting Secretary of State.

AMERICAN LEGATION,
SAN JOSÉ, *February 26, 1912.*

SIR: The Costa Rican Government has made the most elaborate preparations for the reception and entertainment of Mr. Knox. On the day preceding the Secretary's arrival a special train will be sent from San José conveying the reception committee appointed to receive him at Port Limón, where a breakfast will be served upon his landing. Upon the Secretary's arrival at San José he will be conducted to the residence of the Minister of Finance, one of the best appointed establishments in the city, which has been especially fitted out for this visit. The Minister of Foreign Relations has been furnished a list of Mr. Knox's party and special provision has been made for their accommodation.

No ceremony has been arranged for the evening of Mr. Knox's arrival as it is expected that he would prefer to rest after the fatigue of the journey; however, there will be a concert by the National Military Band in front of his residence during the evening. On Saturday morning: a visit to the National Hospital and National Asylum at 8.30; at 1 the Secretary will be received by the President; this will be followed at 3 by a reception given by the American colony; at 10 p. m. a grand ball given by the Government in its magnificent National Theater. Sunday, March 3: most of the morning is reserved for official visits; that afternoon I hope to have the pleasure of entertaining the Secretary and his party and principal Government officials at luncheon; at 8 the President will give a banquet of some two hundred covers in honor of Mr. Knox. For Monday, the day of Mr. Knox's departure, no ceremonies have been announced except that it is known that the Government has arranged for a special train to convey the Secretary's party to Puntarenas.

I shall meet Secretary Knox at Port Limón and shall do all that I can to help make his visit the success which it is expected that it will prove.

I have [etc.]

M. M. Langhorne.

File No. 033.1100 K77/115.

[Extract.]

San José, *March 7, 1912.*

Sir: I have the honor to inform you that the Secretary of State and his party left San José for Puntarenas on the morning of March 4, where he embarked for Corinto on the U. S. S. *Maryland*. The trip to Puntarenas was made on a special train of private cars furnished by the Govenment. Mr. Knox was accompanied to Puntarenas by the Minister of Foreign Relations, other members of the Cabinet, various Government officials and myself.

The program for Mr. Knox's visit as prepared by the Government and which I submitted to the Department in my dispatch of February 26, was most successfully carried out in all of its details. * * * The most important function of the Secretary's visit was the banquet of one hundred and fifty covers given by President Jiménez in honor of Mr. Knox. This entertainment is said to have been the most elaborate ever given in this country. The foyer of the National Theater was especially fitted up, even so far as having special kitchens erected.

I have the honor to transmit herewith clippings giving the speech of President Jiménez together with the reply of Mr. Knox. * * * In extending to Mr. Knox the hospitality of this little country there was nothing that could be done that was neglected by its Government. He was most cordially received and the greatest good will was manifested on all occasions. The visit of the Secretary to Costa Rica can only be considered as a very great success. The expression of his views and the personal knowledge which the officials of this country have gained of his character and ability should create a better understanding and greatly strengthen the friendly relations which exist between the two countries.

I have [etc.]

M. M. Langhorne.

[Inclosure 1.—Translation furnished by the Costa Rican Government.]

Toast of President of Costa Rica to the Secretary of State.

You are welcome to Costa Rica, distinguished representative of the United States of America, that friendly country that from remote times and in a variety of ways has exercised such a far-reaching influence over the destinies of this Republic.

A little time after the thirteen colonies, according to the terms of your Declaration of Independence, "assumed, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them," the Spanish colonies, stirred up by the revolutionary fermentation of the north and encouraged by your noble example, repeated and made good your words, applying them to themselves, declaring that "they were, and of right ought to be, free and independent States"; and so it was, sir, that Costa Rica, without hatred toward and even without disaffection for Spain, and carried along by the wave of emancipation that swept over the New World from Massachusetts to the Argentine, abandoned her secular vassalage and assumed the sovereign arbitration of her destiny.

Nevertheless, it was very possible, above all in Central America, that our exercise of sovereignty would only have been a momentary eclipse of European domination of this or that State, if it had not been for the joint Anglo-American action and if the United States had not pronounced in 1823, through the mouth of President Monroe, its formidable veto. The American Eagle then spread its wings over this continent and in its flight joined that of the "nopal" and the condors of the south. And from that epoch the schemes of conquest or reconquest of the ancient colonies were consigned to the dominions of things past and gone forever.

But there is another benefit that we owe to your country, the greatest of all, without which all others would be mere dross: We have cast our institutions in the moulding-sand of yours. In our first attempts in the exercise of self-government—the only kind that deserves the decorous respect of men—we learned to spell in your famous document of Declaration of Independence that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness"; and consistent with these fundamental principles, as incontrovertible now at the beginning of the twentieth century as they were at the end of the eighteenth, we regulated our political system, and within that system the smallest Republic of this hemisphere lives happily, "without envying others or being envied by them," in the same manner as your wonderful country, enjoying all the privileges of that same system, also lives felicitously, a palpable demonstration that self-government, with powers distributed and limited, with liberty of speech and a free press, of effective and extensive individual rights, a government that derives its just powers from the consent of the governed, is beneficent everywhere—at least in America—with that same universality of the mathematical laws that are equally appropriate for fixing the course of the planets as they are for arranging the most humble transactions of men.

I hope, sir, that the personal knowledge of our institutions and customs may excite in you a feeling of true pride and pleasure on seeing many of the seeds of good government bearing fruit in this little corner of America, snatched from your fields of liberty by the winds that carry civilization from country to country, and dropped by them here and there in all parts of the world.

There will be perpetual peace between the United States and the Republic of Costa Rica! These were the prophetic words of Daniel Webster, stamped on the treaty of 1851, which bears his signature. Consecrated by the lapse of time the things that have happened since then have confirmed this prophesy. Our mutual relations of countrymen with countrymen have grown in a constant manner. We sell in the markets of the United States 60 per cent of our exportations, and in exchange we buy in them 60 per cent of the articles that Costa Rica imports. This present condition of reciprocity is an excellent sign that prognosticates the firmness of our future relations. In negotiating, we enter into mutual relations with others, and to have amicable intercourse with others is to be known, to be appreciated, and to consolidate friendships. Attracted by the fertility of our soils and the riches of our mines, and, I presume, attracted also by our peacefulness and by the respect we show to strangers, their properties and creeds, you will find here a great number of your fellow countrymen managing large capitals of their own or of persons who reside in the United States. Far from frowning upon their good luck, we are pleased to see it; and as their gains are not derived through legislative favors, their prosperity does not diminish, but, on the contrary, helps to augment vigorously the prosperity of the nation.

Lastly, Mr. Secretary, it is not possible to pass over in silence that share which, through our initiative and confident acts, your country has taken in the limitation of the territory of this Republic. An American hand, the just hand of Mr. Cleveland, of blessed memory, marked our boundaries on the north; and another American hand, the hand of Mr. White, in which hangs, happily for you and also for us, the scales of justice, will trace our southern frontier. In the arrangement that Costa Rica and Panama made to this effect, you put, out of consideration to both parties, the valuable contingent of your skill, your benevolence and friendly interest, and I am delighted to be able to take advantage of this occasion to express to you by word of mouth the profound gratitude that from that time we Costa Ricans owe to you, a gratitude that expands, now that we find ourselves honored with your visit. And I am confident that this advent of yours will leave in us a wake of fellow feeling, not like that made by the furrow that the ship forms in the waters, to be destroyed by them immediately afterwards, but a wake as wide and luminous as it is permanent.

Based in these antecedents is inspired the cordiality with which I drink your health, Mr. Secretary, and also that of President Taft, and in the same way the health of the people of the United States; and as that great country does not now see in any quarter a cloud that may darken the splendor of its power, I hope that it may never see the refulgent sun of justice eclipsed on its horizons, so that its greatness and moderation, without losing their force for a moment, may continue shining over the world until the end of time.

To your health, Mr. Secretary.

[Inclosure 2.]

Reply of Mr. Knox.

MR. PRESIDENT, LADIES, AND GENTEMEN: It is indeed a pleasure for me, Mr. President, to acknowledge how deeply I appreciate the generous sentiment you have proposed and the honor you do me, and through me the American people, by showering upon me your bounteous and cordial hospitality, thereby evincing your sympathetic response to the spirit which has inspired my mission to you. I know that I am acknowledging no feigned friendship or simulated courtesy, but that the great heart of Costa Rica has responded to the heart of her most northern sister republic. The similarity of our political organizations, our geographical proximity, the tendency of our commercial and industrial interests and policies, and our traditional and long-continued relations of friendship and good will inspired in the President of the United States the sincere desire that our sympathies, cooperation, and good understanding should increase, and for that reason he directed me to visit the Republic of Costa Rica and our other sister republics in the region of the Caribbean Sea, in order that I might carry to them a message of good will from the people and Government of the United States, and, further, that I might make that personal acquaintance with your public men and hospitable peoples to the end that such direct personal knowledge and understanding and appreciation might result in mutual advantage and cooperation for the advancement of our common interests.

It was with a feeling of genuine wonder and admiration that I arrived at your capital city after the marvelous ride from the coast, along the wonderful Revantazon, following its tortuous and difficult windings through the most beautiful tropical foliage until, arriving at the highlands, the verdure of the Temperate Zone at once met the eye. The ability to make this journey in so much comfort was, Mr. President, a suggestion of what the Costa Ricans have accomplished along other lines, and fully prepared me for the abundant evidences of the industry, thrift, tenacity, and culture of your people which I met at every hand.

It is with a feeling of gratified expectancy that one finds at every turn expressions of the traditional love of your people for education, not only in its practical forms, but for the higher arts, notably architecture and music, and to see in the happy and radiant faces of the children the reflection of the beauty of their mothers and sturdy qualities of their fathers.

It is given to few countries to make the just boast that within her borders the school-teachers outnumber the soldiers and that resting upon her bosom in the very center of America is the first perfect type of an international court of arbitral justice.

The attitude of the Government of the United States toward the peaceful settlement of international disputes, of which this court forms a model, has been consistently maintained since the foundation of our Government, as is evidenced by the Treaty of Ghent. The attitude of the Republic of Costa Rica has likewise been consistent and is amply evidenced by the course adopted for the settlement of the century-old boundary dispute with Panama. I repeat, Mr. President, that the people of Costa Rica may justly felicitate themselves that in their very midst is the home of the Central American Court of Justice, the one tribunal before which one nation may bring another—yes, before which an individual may bring a nation—to determine before the bar of impartial justice the differences that exist between them. My Government and, I am sure, the Government of Mexico feel proud of the part played by them in the Central American Peace Conference, convoked under their auspices, out of which grew this international forum, which is the prototype of the court it has long been the desire of the United States to see established by the nations of the earth. In this connection, Mr. President, let me express the feeling of profound satisfaction that the people and Government of the United States entertain, not only because of the rapidly increasing prosperity of Costa Rica, but because of her love for peace, because of the respect she inspires in the family of nations, because she has laid the foundations of perpetual freedom upon the eternal rock of justice and occupies an exceptional and enviable position among the American repubics and to the general distribution of property among her people, and because of the constantly increasing intimacy and friendliness between her people and our own.

It is but a short time, Mr. President, until at Panama a new highway of commerce will be opened to the world. That event, so conspicuous and significant, will remove the countries of the Caribbean Sea from their comparative isolation and place them upon the greatest highway on the globe, a highway from the northern to the southern, from the western to the eastern world. The republics of this hemisphere will be thrown into a new day and a new condition. It would be folly to enter that new day without a proper conception of its opportunities and possibilities for our common good. We should go into the new epoch as befits it, with new aspirations and enthusiasms and with greater promise. The casual relations which once marked our intercourse are now happily not casual, but they must be closer and more friendly still—so close, indeed, that as we labor to better human conditions this common end will be a bond of trust and hope.

I bear you, then, not only a message of good will, but one bespeaking a mutual understanding and union in aspiration and effort toward furthering the progress of the Western World through deeds of reciprocal helpfulness.

The free and equal republics which have established themselves upon this hemisphere have a singular harmony of destiny, and that is to bring their common form of government to the highest point of efficiency for the maintenance of popular rights. The greatest strength of these republics, whose heritage is so wonderful, lies in unity of aim and effort.

While we will all be more or less, in the future as in the past, engrossed in questions affecting our internal development and our own acute problems, it is wise to seize every opportunity to impress upon the world and upon ourselves that ours is a Pan-American union of lofty Pan-American public opinion, doing justice and exacting justice, disclaiming ignoble suspicion, and putting to scorn international acts of unworthiness when, unhappily, they may be found among us.

Ladies and gentlemen, I propose the health, the happiness, and the prosperity of the President and people of Costa Rica.

File No. 033.1100 K77/213.

The President of Costa Rica to the President.

[Translation.]

Great and Good Friend: The People and Government of Costa Rica have been honored by the official visit of that distinguished diplomat the Honorable Philander C. Knox, your Secretary of State, who during his brief stay in this country made evident the great and noble endeavor of the American Government in behalf of the progress and welfare of the Republics of this continent on the basis of fraternal union for their common destiny, with no other limits than those of their own sovereignty and independence. I have therefore found it appropriate, in view of so excellent a motive, to accredit as Special Envoy to Your Excellency don Joaquin Bernardo Calvo, the distinguished gentleman who is now the Minister Plenipotentiary of Costa Rica at Washington, with the charge to present to Your Excellency my fervent wishes for the happy outcome of that generous labor for American fraternity and for the growing prosperity of the Great Republic, admirable not only for its wonderful progress but even more for its wise institutions. In this sense I beg Your Excellency to receive unreservedly what Mr. Calvo will say to you, especially when he renews the expression of my lively desire for the personal happiness of Your Excellency.

I am, great and good friend, with high esteem,

RICARDO JIMÉNEZ.

THE PRESIDENT'S MANSION,
San José, May 20, 1912.

The President to the President of Costa Rica.

GREAT AND GOOD FRIEND: I have received from the hands of Señor Don Joaquin Bernardo Calvo Your Excellency's letter of May 20 last, in which you gave expression to the pleasure which the people of Costa Rica felt at the recent visit to your capital of Philander C. Knox, Secretary of State of the United States of America.

I cordially reciprocate the sentiments of friendship and good will which you in the name of the people of Costa Rica conveyed to me, and I assure you that the Government and people of the United States appreciate the friendly spirit shown towards the United States by the kindly and cordial manner in which Mr. Knox's visit was received.

Your good friend,

WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.
WASHINGTON, *July 10, 1912.*

CUBA.

VETERANISTA AGITATION—ATTITUDE OF THE UNITED STATES.

The American Chargé d'Affaires to the Secretary of State.

File No. 837.00/502.

American Legation,
No. 1184.] *Habana, November 10, 1911.*

Sir: I have the honor to report that during the past month various associations of Cuban veterans of the wars for independence have been carrying on a systematic campaign to create popular feeling against the "guerrilleros"—Cubans who bore arms for the Spanish cause—who are now in public office, and to force the national and local authorities to remove them from the public service. The veterans themselves disclaim any desire on their part to monopolize the public offices.

On the 21st ultimo, after a largely attended meeting at the National Theater, a committee of veterans headed by General Loynaz del Castillo and others called upon President Gómez at the Palace to inform him regarding a resolution which had been adopted at that meeting demanding the dismissal from public office of all "guerrilleros" before the 27th of this month. In a fiery speech General Loynaz del Castillo informed the President that if their demands were not complied with "the veterans would know their duty." The President replied in a few dignified but emphatic words to the effect that while in thorough sympathy with his fellow-veterans his duty under the Constitution was to Cuba as a whole and that he was not to be intimidated by threats of any sort.

A demand has also been made upon practically all provincial governors and alcaldes throughout the island for the dismissal of "guerrilleros" in provincial and municipal employ. The invariable answer has been that the employees against whom this demand is directed are protected by the provisions of the civil service law. In view of this obstacle arrangements have now been made to introduce in Congress a bill providing that any person who has borne arms against the Cuban cause should be ineligible for office under the civil service.

The agitation has recently become so acute as to cause general apprehension. The fears of the Government that serious trouble might result from this agitation induced Señor Sanguily, Secretary of State, to visit, last night, the headquarters in this city of the Veterans' Association.[1] He called upon the large gathering of veterans, who awaited him, to make some reassuring declaration which would tend to allay public apprehension; harangued them at some length on the necessity for orderly procedure, and painted in glowing colors the horrors of possible civil war or another American intervention. The veterans present were not responsive to this appeal; and, after some three hours of futile discussion, Señor Sanguily left the meeting without having achieved his object.

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[1] Asociación de Veteranos de la Independencia.

The subject is being widely discussed in all its aspects by the press and people—the more substantial elements appearing to approve the attitude of the Government—but it is impossible to foresee the outcome of the present agitation.

I have [etc.]

Hugh S. Gibson.

File No. 837.00/504.

[Extract.]

No. 1188.] November 13, 1911.

Sir: Referring to my dispatch No. 1184 of the 10th instant in regard to the agitation against the "guerrilleros" now holding office under the Cuban Government, I have the honor to report that on the 10th instant a bill was introduced in the Senate, by Senator Berrenguer, to amend the civil service law so as to exclude from public office all persons who fought against Cuban independence. * * * The general feeling here is that the situation is fraught with grave possibilities. * * * The chief danger appears to lie in the irresponsible acts of the leaders in the smaller country towns. * * *

I have [etc.]

Hugh S. Gibson.

File No. 837.00/506.

[Extract.]

No. 1198.] November 16, 1911.

Sir: Referring to my dispatch No. 1198 [1184] of the 10th instant [etc.] I have the honor to report that after several conferences with the leaders of the veterans' associations President Gómez has agreed to the appointment of a commission of arbitration to reach an agreement on the question of office-holding by persons who bore arms against the cause of Cuban independence. * * *

The Government is clearly alarmed by the threats of the veterans to take the law into their own hands unless all the "guerrilleros" are dismissed from office by November 27, and the President's acceptance of the arbitration idea is a complete retreat from his first stand of refusing to consider the demands of the veterans.

I have [etc.]

Hugh S. Gibson.

File No. 837.00/510.

[Extract.]

No. 1207.] November 21, 1911.

Sir: Referring to my dispatch No. 1198 of the 16th instant [etc.] I have the honor to report that an agreement reached yesterday by the commission has been approved by the President and by the Council of Veterans. * * * Briefly stated, the agreement provides for the immediate removal from office of all "guerrilleros" who are not protected by the civil service law. * * * Those employees who are protected by the civil service law are to be suspended from their posts until a law can be passed which will effectually bar them from the public service. * * * In return for these concessions the veterans pledge themselves to support the Government in case any disorders arise as a result of carrying out the agreement.

The Government has thus clearly complied with all the original demands of the veterans and completely receded from the resolute stand taken when the question arose. * * *

I have [etc.]

Hugh S. Gibson.

File No. 837.00/512.

[Extract.]

No. 1225.] December 1, 1911.

Sir: With reference to my No. 1207 of November 21 [etc.] I have the honor to report that despite the apparently satisfactory settlement reached by the veterans and the Government a disposition not to accept that settlement seems now to prevail in the councils of the veterans, and the situation has again become quite as serious as ever, if not indeed more so. * * * While the Government agreed to remove from office, or allow to resign, employees and officials of "objectionable war antecedents" who hold office under Executive appointment and whose tenure is not subject to provisions of the civil service law concerning the classified service (a relatively unimportant number) the status of those affected by these provisions was tacitly recognized as not subject to administrative action without an appropriate amendment of the civil service law. A day or two before that a bill had been introduced in the Senate—which was subsequently passed by that body—to amend that law in the sense of excluding from public employment men of the character whom the veterans are attacking. * * * This bill has however met unexpected opposition in the House and the present outlook is that it will not pass. * * * This afternoon Mr. Sanguily, Cuban Secretary of State, told me in the course of a conversation at the Department of State that in the opinion of all the members of the Government the situation was now more critical than ever before. * * *

I have [etc.]

Hugh S. Gibson.

File No. 837.00/514.

[Extract.]

No. 1233.] December 4, 1911.

Sir: With reference to my dispatch No. 1225 of the 1st instant [etc.] I have the honor to report that a bill signed by Messrs. Freyre Andrade, González Lanuza and other Conservative members has now been introduced in the lower House of Congress to repeal in their entirety the civil service law drafted by the late Provisional Government and the complementary and promulgatory act of January 18, 1911.

I have [etc.]

Hugh S. Gibson.

File No. 837.00/513.

[Telegram.—Extract.—Paraphrase.]

DECEMBER 8, 1911. (*Received Dec. 9.*)

The veterans now demand dismissal of "traitors" from judiciary and elective offices as well as from the civil service. Bill to suspend the civil service law[1] has passed the House and will probably pass the Senate to-day.

The Speaker, Ferrara, in answering the argument that the bill was contrary to the Platt amendment, claimed that as Cuba had adopted the amendment under coercion it was not binding upon her.

GIBSON.

File No. 837.00/517.

[Telegram.—Paraphrase.]

DECEMBER 14, 1911.

The Senate amendment removing the exception of the judiciary from dismissal has been accepted and the amended bill goes to the President for signature.

GIBSON.

File No. 837.00/522.

[Extract.]

No. 1255.] DECEMBER 16, 1911.

SIR: * * * I have to report that the suspension act, as amended by the Senate and sanctioned by the President, reads as follows:

> All laws which guarantee the irremovability of public officials and employees are hereby suspended, in such part as concerns said irremovability, for a period of eighteen months.

The original measure contemplated the suspension of the civil service law alone, thus affecting only civilian employees of the classified service; but as finally enacted it affects the judiciary and military as well, whose tenure is protected by other laws containing provisions of a character similar to those of the civil service law.

The President issued at the same time a decree prescribing regulations purporting to construe the spirit of the law as enacted and facilitate its execution. * * * To pass upon charges brought against such officeholders provision is made for the appointment of a body to which the press promptly gave the picturesque name of "decapitating commission", composed of four members—one to be designated by the Liberal party, one by the Conservative party, and two by the veterans—and a chairman to be chosen by the President of the Republic. This commission is charged with the further duty of appointing to every vacancy arising from the removal of an officeholder accused before its bar *a person belonging to the same political party as the one discharged.*

Although it was the obvious purpose of the President in issuing this decree to provide a workable means for carrying out in good faith the terms of the agreement between the Government and the veterans * * * the veterans have flatly refused to have anything to do with the designation of the two members of the commission allotted to their organization. They contend that the voices of their representatives would be smothered by the two political members and the partisan chairman appointed by the President. * * * To sum up their attitude, they make no effort to conceal their distrust of the President, although he has lately shown a disposition to please them in every way possible. * * *

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[1] Referred to in the dispatch of Dec. 4.

Otherwise there is no change in the situation. * * *

I have [etc.]

Hugh S. Gibson.

The American Minister to the Secretary of State.

File No. 837.00/538.

[Telegrams.—Extracts.—Paraphrases.]

American Legation,
Habana, January 11, 1912.

The House yesterday passed a resolution accusing officers of the Army and of the Rural Guard of pernicious political activity and participation in seditious manifestations; calling for a statement from the President of steps against them, and information as to whether he had dealt with Monteagudo[1] for violations of military law. The newspapers regard the situation as critical.

Beaupré,

File No. 837.00/541.

January 15, 1912.

The President on the 15th issued a decree forbidding officers of Army and Rural Guard from participation in politics; this was already forbidden by military law. The decree also forbids their attendance at meetings of the Veterans' Association, whose leaders declare that unless the decree is revoked they will go to any lengths to obtain their end. I earnestly suggest advisability of a decided stand at this time on our part. Should our intention to support the President be made known it would probably have a discouraging effect on those wishing to provoke intervention. Threatening speeches made by prominent veterans. Situation now more alarming than at any previous time.

Beaupré.

File No. 837.00/541.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, January 16, 1912.

After handing to the President the following unsigned note you will also make it public:

> The situation in Cuba as now reported causes grave concern to the Government of the United States.

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[1] The general commanding the Army; he had issued a general order forbidding soldiers to take part in the veterans' movement to form a political party.

That the laws intended to safeguard free republican government shall be enforced and not defied is obviously essential to the maintenance of the law, order and stability indispensable to the status of the Republic of Cuba, in the continued well-being of which the United States has always evinced and can not escape a vital interest.

The President of the United States therefore looks to the President and Government of Cuba to prevent a threatened situation which would compel the Government of the United States, much against its desires, to consider what measures it must take in pursuance of the obligation of its relations to Cuba.

KNOX.

File No. 837.00/545.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

HABANA, *undated; received January 17, 1912.*

Those of the opposition who want trouble are saying that the second paragraph of the note I handed to the President yesterday means a demand by the United States for a complete return to the status quo ante by immediate repeal of the new civil service law amendments. The President answers that it means merely that he shall not revoke the decree forbidding officers attending Veteran meetings, and court martial for the disobedient, with no further unlawful concessions to the Veterans. He earnestly requests that Department let him know if he is correct.

BEAUPRÉ.

File No. 837.00/545.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 17, 1912.

The retroactive measures were not contemplated by the second paragraph referred to, which is too clear to call for any interpretation. Without detailed instructions the Legation should be able to prevent its distortion for political purposes or to the detriment of our relations with Cuba.

KNOX.

File No. 837.00/549.

The American Minister to the Secretary of State.

AMERICAN LEGATION,
Habana, January 20, 1912.

There was a meeting at the Palace tonight at which an agreement was signed the terms of which will be made public tomorrow after obtaining a few additional signatures. The agreement reads as follows in translation:

1. The Association of Veterans of the Independence will confine its activities to the ends and limits set forth in its by-laws.
2. The National Council of the Veterans of the Independence will choose between the cessation of the functions of the Revisory Commission, with consequent transfer of those functions to the Executive departments, and a continuance of the Commission.

3. Whichever of the alternatives stated in 2 is decided upon, a term shall be set for terminating said functions with the settlement of the cases in hand, which term will expire February 24, 1912.

4. At the expiration of this term the suspension of the civil service law shall cease by virtue of a resolution of Congress upon request of the President.

5. The leaders of the Cuban revolution this day assembled in the Palace and the members of the local organizations of the Veterans of the Independence pledge themselves to be the guardians of the moral and material peace by assisting the national Government in maintaining it.

6. The Government of the Republic shall publish this agreement so that all may know that those who sacrificed themselves to Independence are the most stable support of the Republic, and that law and order and the stability of our institutions are henceforth guaranteed and peace assured; wherefore there will be no justification for any intervention in our internal affairs by the United States, to whose honor and loyalty as well as to its own patriotism the Cuban people trusts its peaceful development.

It will be noticed that the agreement, in providing for the repeal of the suspension of the civil service law, goes farther than was demanded by the Department's note. The Sub-Secretary of State assures me that complete accord prevailed at the conference and that the terms of the agreement would undoubtedly be complied with.

BEAUPRÉ.

NEGRO UPRISING—ATTITUDE OF THE UNITED STATES—PROTECTION OF FOREIGN COLONIES.

The American Minister to the Secretary of State.

File No. 837.00/561.

No. 71.]

AMERICAN LEGATION,
Habana, January 26, 1912.

SIR: I have the honor to invite the Department's attention to Mr. Jackson's despatch No. 672 of March 10,[1] the Department's instruction No. 263 of March 20, 1911,[1] and prior correspondence relative to the "Independent Party of Color" (Partido Independiente de Color) of Cuba. It was announced at that time that the party intended to send a delegation to Washington for a presentation of grievances.

The leader of that party, Evaristo Estenoz, called at the Legation two days ago and stated that the party had decided to send to Washington "as soon as the present cold weather in the north should let up a little" a delegation of six, one from each province. He said that the principal grievance which among others it is intended to bring before the President of the United States is that, preceding the elections held in the fall of 1908 under the Provisional Government, their party was duly recognized and given standing as a political party by Governor Magoon in a formal decree; that, in contravention of the proclamation which made all acts of the Provisional Government binding upon the Republic of Cuba, the Gómez administration through the bipartisan electoral boards has refused to recognize the standing which had been accorded them by the Provisional Government; and that in the approaching electoral period they have reason to believe that they will be similarly debarred from placing a ticket in the field. Estenoz also said that when he and the other leaders of the party were arrested in April and May, 1910, on the charge of "inciting rebellion" the Government made known to them indirectly that their arrest and incarceration for several months had been in obedience to "indications from Washington."

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[1] Not printed.

The above information is communicated to the Department as of possible interest in the event that the announced delegation should really reach Washington and endeavor to see the President.

I have [etc.]

A. M. Beaupré.

File No. 837.00/571.

No. 122.] February 19, 1912.

Sir: I have the honor to report that a committee headed by Evaristo Estenoz, representing the Independent Colored Party, called at the Palace on Friday to induce the President to agree to use his influence for the repeal of the Morúa law, which forbids the organization of negroes into a political party.

President Gómez, according to a statement issued at the Palace, informed the committee that he was disposed to aid them provided they dropped the word "Colored" from their party name. They replied that they were not prepared to accept the condition as it would prevent them from realizing "the noble ideals at which they aimed." The President thereupon informed the committee that not only would he not aid them in obtaining the repeal of the Morúa law but would put every possible obstacle in their way. The spokesman of the committee replied that notwithstanding the opposition of the President "they would allow nothing to stand in the way of carrying out their intentions."

Evaristo Estenoz yesterday made a statement to the press in which he declared that the Colored party was all-powerful and that no political party could hope to win at the polls without its help. He also stated that a committee of his organization "authorized by Minister Beaupré" would soon go to Washington to explain the situation to the American Government. I need hardly state that I have had no conversation with Estenoz and know nothing of his plans further than already reported in my No. 71 of the 26th ultimo.

I have [etc.]

A. M. Beaupré.

File No. 837.00/575.

[Extract.]

No. 132.] February 27, 1912.

Sir: In view of the recent successful intimidation of the Government by the Veterans the Estenozistas apparently considered the present a most opportune moment to redouble their efforts. The Government realizes this and, having the Veteranista experience fresh in mind, is said to be prepared to take strong measures to put down the agitation without temporizing should it show signs of gaining headway.

As the Department already knows, Estenoz is a troublesome negro agitator and, though he has a comparatively small following, might, in the present unsettled political situation, be capable of precipitating trouble of a serious nature.

I have [etc.]

A. M. Beaupré.

File No. 837.00/578.

[Extract.]

No. 173.] March 23, 1912.

Sir: Referring to previous correspondence concerning the "Independent Colored Party" I have the honor to transmit herewith a copy and translation of a telgram received by me this morning from certain members of that party, complaining of the action of the Cuban authorities in breaking up a meeting at Cruces in Santa Clara Province.

This continual agitation of the "Independientes de Color" carries with it an element of considerable danger to public order, for while only a small proportion of the negro population is affected by the Estenoz movement his followers are sufficiently numerous to form the nucleus of a revolt that in any case, even were the Government able to cope with it, would be extremely harmful, and if ably led and financed by other discontented elements might result in a repetition of the events of 1906.

I have [etc.]

A. M. Beaupré.

[Inclosure.—Translation.]

Mr. Beaupré, Minister Plenipotentiary of the United States to the Republic of Cuba, Habana: Pray tell President Taft to accept our most solemn protest in the name of the Independent Colored Party against outrages against our persons and our rights by armed forces of the Cuban Government. We protest to civilization and ask for guaranties of our lives, families, interests, rights and liberties. Weary of injustice and abuses, we look to the protection of your Government under article three of the Platt Amendment.

Hipólito Aranguren (et al.)

[Telegrams.—Extracts.—Paraphrases.]

File No. 837.5041/22.

American Legation,
Habana, May 4, 1912.

Strike of Habana stevedores last night. General strike threatened unless military orders 71 and 76 are enforced. Present strike seriously damages horticultural interests, almost entirely American, and important American shipping interests. For political reasons the Government is anxious to conciliate the stevedores, and is urging shipping interests to accept their demands. In the event of violence I fear the Government will not afford adequate protection without strong representations from the legation.

Beaupré.

File No. 837.00/588.

May 20, 1912.

Last night a number of negroes were arrested in the Provinces of Santiago, Santa Clara, and Pinar del Rio for alleged revolutionary plot to seize all rural guard posts in these Provinces at sunset to-night. Considerable number of suspects, including Estenoz, have disappeared. Government confident that movement is completely suppressed.

Beaupré.

File No. 837.00/591.

May 21, 1912.

Small parties of negroes in conflict with rural guard at various points. Several casualties in guard. Armed negro bands near Habana and in Oriente and Santa Clara Provinces and possibly elsewhere. Leaders threaten to destroy foreign property. Consuls at Santiago and Sagua la Grande report considerable alarm there. Government yesterday sent 300 troops to Oriente Province; 500 more this morning. Government somewhat alarmed. President evidently disposed to deal severely with leaders and expresses confidence in his ability to crush movement with forces at his command.

Beaupré.

File No. 837.00/598.

May 23, 1912.

President fears he will not be able to station on all foreign properties sufficient forces to guarantee absolute protection, but that he will go as far as possible. Over 2,000 troops in the field in Oriente Province with strict orders to deal severely with the rebels. Further troops are being rushed to the front. The President hopes he will be able to crush movement entirely within ten days. Negroes are avoiding encounters, their first object being the destruction of property. A British cruiser will arrive here to-morrow on a visit announced by the British minister several weeks ago. Government has made no public announcement of the visit and arrival of cruiser may cause some excitement.

Beaupré.

The Secretary of State to the American Minister.

File No. 837.00/598a.

[Telegram.—Paraphrase.]

Department of State,
Washington, May 23, 1912.

You will explain to the Cuban Government that the following has to-day been given to the press in the hope of somewhat steadying the situation and thereby assisting the Government of Cuba to put down the present uprising:

Information reaching the Department of State has indicated a serious state of disturbance in the easternmost Province of the Island of Cuba, especially in the neighborhood of Guantánamo and Santiago, where there are important

American interests, which have already made representations to the Department to the effect that their property is being seized and the lives of their employees endangered, and have requested that the Government of the United States procure for them adequate protection. The Department of State has accordingly requested the Navy Department to send vessels and marines to the United States naval station at Guantánamo, which is near the center of the disturbance. The *Prairie* is to take 500 marines and join the *Paducah* and *Nashville* there. These steps have, of course, been taken simply in order that, in case of necessity, protection may be accorded to the Americans in that vicinity.

Should situation require, additional vessels will also be ordered to Guantánamo.

KNOX.

The American Minister to the Secretary of State.

File No. 837.5041/33.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, May 24, 1912.

No possibility of agreement in stevedore strike; fifteen-day truce ends to-morrow at midnight. Stevedore and lightermen announce that they will then go on strike, with strong possibility of general strike in Habana and other cities. In present crisis stoppage of foodstuffs and customs receipts would have serious effect. Suggest advisability of sending ships with marines to Key West, whence they could be quickly sommoned in the event of trouble.

BEAUPRÉ.

File No. 837.00/687.

[Extract.]

No. 268.] AMERICAN LEGATION,
Habana, May 24, 1912.

SIR: Referring to previous correspondence in regard to the present negro uprising, and as a matter of record, I have the honor to report as follows: * * *

From the beginning of the movement I have been in close touch with the representatives of American companies in the disaffected districts and have, whenever there was any cause for alarm, applied to the Cuban Government for military protection. On the 22d instant, on learning of the fears of various American companies in Oriente Province, I deemed it advisable to call upon Mr. Sanguily [Secretary of State] to discuss the entire situation in an informal and friendly way. While applying for protection for the Juraguá Iron Co. I told Mr. Sanguily that my representations on behalf of this and other American companies should not be considered in the nature of complaints; that I felt and was confident that he also realized that the interests of the American and Cuban Governments were identical in the present crisis; and that the American Government was just as anxious as that of Cuba to avoid the necessity for an intervention. I went on to point out that the greatest danger now lay in possible failure to afford adequate protection to foreign lives and property, which might readily cause pressure to be brought upon the American Government by other foreign Governments to bring about an intervention for the benefit of their national interests. I went on to say that, although there had as yet been apparently no failure on the part of the Cuban Government to discharge its obligations in this regard, I deemed it the part of true friendship to point out this possible danger to the maintenance of Cuban independence and urged him to exercise every effort to avoid complications.

Mr. Sanguily expressed himself as thoroughly understanding and sincerely appreciating the force and spirit of my remarks, with which he said that he fully agreed. He informed me that he would go immediately to the Palace and make clear to the President the vital necessity for exercising every possible effort to protect foreign property, urging him personally to issue instructions in harmony with the ideas expressed by me. While I had no instructions from the Department authorizing me to make such representations, I felt confident that I was stating elementary truths which were in complete harmony with the desires of the Department.

As a result of Mr. Sanguily's interview with the President a body of 180 troops was despatched to the various properties of the Juraguá Iron Co., and the officer in command in Oriente Province was directed to despatch small forces to the various foreign properties throughout the district and at the same time to arm their employees so that they might defend themselves if attacked. I am informed that these instructions were promptly obeyed.

The sending of the *Prairie*, *Paducah*, and *Nashville* to Guantánamo has made a very good impression here, and both the President and Mr. Sanguily express themselves as gratified by our action in the matter. It is difficult to say, however, what moral effect the presence of these ships will have upon the irresponsible negroes, who are unlikely to be greatly concerned over the possible consequence of their actions. * * * Aside from the fact that we have been unable to form an accurate estimate of the strength and extent of this movement, its most remarkable characteristic is that there is no definite knowledge of its real purpose. There are various theories advanced to account for the movement. The most prevalent belief is that the movement was initiated for the express purpose of provoking an American intervention for the benefit of various interests which believed that they would profit by a change of government. A movement aimed at provoking intervention would naturally devote its first efforts to the destruction of foreign property, but, as I have already reported, very little has been done in this direction. * * *

In summing up the situation I can not go further than to say that it would seem evident that the present movement is organized and directed by some unknown interest, it being highly improbable that the negroes at the head of the Independent Colored Party would be capable of engineering a movement on this scale. The negroes now in revolt are of a very ignorant class, and, although it may or may not be the intention of their leaders to attack foreigners and destroy their property, it would at any time require only a well-conceived appeal to their prejudices or cupidity to precipitate serious disorders. Although it is still impossible to make any predictions as to the future, I feel that our Government has acted most wisely in sending forces to Guantánamo in anticipation of possible eventualities.

I have [etc.],

A. M. BEAUPRÉ.

File No. 837.00/612a.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 25, 1912.

The *Nebraska* should arrive at Habana to-morrow, and a large naval force will be assembled at a convenient point, probably Key West. A gunboat will be ordered to Nipe Bay.

You will inform the Cuban Government that in the event of its inability or failure to protect the lives or property of American citizens in Cuba the Government of the United States, pursuant to its uniform custom in such cases, will land forces to accord necessary protection. This is not intervention.

KNOX.

File No. 837.00/614.

The President of Cuba to the President.

[Telegram.—Translation.]

HABANA, *May 26, 1912.*

The Secretary of State of this Government informs me that he has received a note from the Minister of the United States in this city advising him that the Government over which you preside has ordered a gunboat sent to Nipe Bay and the concentration of a naval force at Key West in anticipation of possible eventualities, so that in the event of failure or neglect of the Government to protect the life or property of American citizens forces of the United States will land on Cuban territory for their necessary protection, adding that these measures must not be considered specifically as an intervention; but as in reality they do not seem anything else, and the natural development of events, once these foreign troops landed, would accentuate that character, it is my duty to inform you that a determination of this serious character alarms and injures the feelings of a people loving and jealous of their independence, above all when such measures were not even decided upon by previous agreement between both Governments, which places the Government of Cuba in a humiliating inferiority through a neglect of its national rights, causing it discredit within and without the country. Nor is the action of the American Government justified, because neither it nor any other Government in analogous circumstances would have displayed, as has that of Cuba, such an extraordinary activity in mobilization and operations. In only four days it has accumulated more than 3,000 men of the regular forces against the rebels, sending them from the west to the east by land and sea, and in this short time it has cleared the whole island, with the exception of a limited eastern territory, of armed parties to such an extent that there does not exist a single one which will resist, neither in Pinar del Rio nor in this Province nor in Santa Clara, where, since the 19th instant, some of them appeared, who were punished and disbanded. Furthermore this Government has awakened public spirit, has distributed for the defense of farms and villages more than 9,000 rifles, with cartridges, and preparation is being made to flood with fighting patriots and with soldiers the relatively narrow zone to which the rebels have been reduced, the fact being really astonishing that up to the present no sugar mill has suspended work. I have recourse to you, therefore, as the loyal friend of Cuba and respectful of her rights, in order that with calm judgment and highmindedness you may appreciate the facts set forth, sure that you will reach the conviction that this Government is quite capable and sufficiently supported by the valor and patriotism of its people to annihilate a few rebels without a cause and without a flag. If you properly appreciate these facts you will without doubt hasten to recognize that it is not a friendly Government which, perchance by way of an unjustified precaution, would precipitately contribute to the discredit of a Government and a people like those of Cuba, placed, it is true, in circumstances difficult although not superior to the measure of its patriotism and its spirit.

José Miguel Gómez.

File No. 827.00/614.

The President to the President of Cuba.

[Telegram.]

The White House,
Washington, May 27, 1912.

I am sincerely gratified to learn of your Government's energetic measures to put down the disturbances and to know that you are confident of being successful. As was fully explained to the Cuban Chargé d'Affaires here, this Government's motive in sending ships to Key West, just as in sending the *Prairie* to the Guantánamo naval station, was merely to be able to act promptly in case it should unfortunately become necessary to protect American life and property by rendering moral support or assistance to the Cuban Government. As was made quite clear at the time, these ordinary measures of precaution were entirely disassociated from any question of intervention.

Wm. H. Taft.

File No. 837.00/636.

The President of Cuba to the President.

[Telegram.]

Habana, *May 27, 1912.*

Exceedingly grateful for your cablegram, which, in appeasing Cuban patriotism with the assurance that the action of the Government under your worthy Presidency is limited to observe events in order to be ready, should it be necessary to protect the lives and property of American citizens and morally to support the Cuban Government without having to land American forces in our territory unless both Governments agree upon such extreme necessity, clearly shows the sincerity of the Government and of the people of the United States, and their noble and friendly sentiments in favor of the Government and people of Cuba, who are determined to reestablish public peace as soon as possible, for which purpose they will not hesitate at any sacrifice.

José M. Gómez.

File No. 837.11/4.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, May 28, 1912.

Americans at Victoria de Las Tunas, Oriente, Cuba, have applied to the Department for protection. Make suitable representations to Foreign Office. On receipt by you of similar requests take like action and reserve rights of reclamation for any damages suffered by Americans.

Knox.

File No. 837.00/636.

[Telegram.—Extract.—Paraphrase.]

Department of State,
Washington, May 29, 1912.

The following rejoinder from President Gómez to the President: [Telegram of President Gómez of May 27.]

This Government has taken pains to make absolutely clear its position and the absolutely evident distinction, on the one hand, between "intervention" and political acts under our treaty rights which are not now contemplated, and, on the other hand, preparedness to land marines and the landing of marines if necessary in sporadic cases to prevent or suppress jeopardy to American life or property. Part of President Gómez's last message evidently seeks to read a singular misinterpretation into this Government's clear expressions. This Government does not undertake first to consult the Cuban Government if a crisis arises requiring a temporary landing somewhere to protect life and property on the broad principles of international practice. You will clearly explain all this orally to President Gómez.

Knox.

File No. 837.00/640.

The American Minister to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

American Legation,
Habana, May 29, 1912—7 p. m.

The president of Guantánamo & Western Railway, Mr. Lewis, who arrived this morning from Oriente, informs me that when the store of his sugar estate at Marcos Sanchez was robbed two days ago, leader of band, who could not read or write, gave what he evidently thought was a receipt for the goods taken, but it was really an original order from Estenoz to his lieutenants, and in translation reads about as follows:

> *To the lieutenant* [*who*] *receives this and to all my other loyal lieutenants:*
>
> If by June 1 the Morúa law is not repealed you will at once start to destroy all railroad bridges, telegraph and telephone lines, and other property of American ownership, and if this does not accomplish our purpose with the present

Government, within 15 days thereafter you will start killing men not of our color irrespective of nationality.

Lewis has original document in his safe. If it is authentic and not a spurious document deliberately allowed to fall into foreign hands for the purpose of inspiring alarm, it would appear to be the most significant indication we have had as to intentions of leaders and reasons for lack of violence to date.

Lewis also showed me letter from Estenoz to him demanding 25 rifles and 5,000 rounds of ammunition, under penalty of destruction of his property.

Beaupré.

File No. 837.00/641.

May 29, 1912—9 p. m.

In pursuance of your May 29, I saw the President, who declared that he recognized our rights under the circumstances named. He added emphatic appreciation of our Government's "fine attitude" throughout present crisis, which he says has been worth more to him than his entire army.

Beaupré.

File No. 837.00/643.

May 30, 1912.

Mr. Gibson delivered my note regarding protection of Spanish-American Iron Co., and under my general instructions to make strong supporting representations, he had a very frank but friendly talk with Patterson.[1] I trust this may stimulate the authorities to proper action. Gibson pointed out that failure to fulfill repeated verbal and written assurances of protection was the one thing destructive of our confidence in ability and willingness of Cuban Government to fulfill its obligations; that repeated failure would surely cause our Government seriously to consider the need for its giving protection to American interests; that if this was to be avoided Cuban Government must immediately take energetic steps. Patterson replied that it was local military authorities who were at fault, but Gibson rejoined that admission of inability of Cuban Government to secure obedience of its military officers was very serious, and that our Government looks alone to the Central Government for the protection of American interests. Patterson cordially promised to use best efforts to bring military authorities to proper realization of responsibilities.

Beaupré.

File No. 837.11/32a.

The Secretary of State to the American Minister.

[Telegrams.—Paraphrases.]

Department of State,
Washington, June 1, 1912—2 p. m.

The following telegraphic instructions to consular officers in Cuba were sent to-day:

If disturbances arise in any locality threatening the lives or property of American citizens you will promptly communicate with the Legation, which has been instructed to make suitable representations to the Cuban Government for protection. You will endeavor to keep informed of political conditions throughout your district.

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[1] Subsecretary of State.

On being advised by consular officers or otherwise of any serious situation threatening the lives and property of American citizens you will bring the matter to the attention of the Cuban Government with the request that suitable steps be taken to afford adequate protection.

KNOX.

File No. 837.00/650a.

JUNE 1, 1912—3 p. m.

You will instruct consular officers to keep Legation and Department informed by telegraph on Monday and Thursday of each week of movement of Cuban and revolutionary forces in their districts.

You will at once endeavor to have the Cuban Government station and maintain regular guards of 200 men each at both Daiquiri and Firmenza and of 50 men at El Cobre for the protection of the Spanish-American, the Juraguá, and Cuba Copper companies. This is most important.

KNOX.

The American Minister to the Secretary of State.

File No. 837.00/655.

[Telegrams.—Extracts.—Paraphrases.]

AMERICAN LEGATION,
Habana, June 1, 1912—12 midnight.

Persistent and consistent rumors of concerted negro uprising in Habana for the past several days. Although disclaiming knowledge of plan, President's private secretary is organizing local civil guard for the protection of Habana and Vedado. This afternoon I asked President Gómez whether he had knowledge of any such plan. He said that he was sure there was nothing of the sort intended; that he has ample forces to put down any movement. Military attaché states that there are at most 700 soldiers in the neighborhood. Chief of police has recently complained to member of Legation that he has only a little more than 800 men, not enough to guard city in normal peaceful conditions. The foregoing may be sufficient for the Department to determine whether it is advisable to send to Habana immediately one of the ships now at Key West with a force of marines.

BEAUPRÉ.

File No. 837.00/660.

JUNE 2, 1912.

From apparently reliable information it is evident that negroes have bought large quantities of knives and other arms and that many negroes have left the city.

BEAUPRÉ.

File No. 837.00/664.

(*Received June 3, 1912—12.51 a. m.*)

Consul at Santiago telegraphs:

La Maya, town of 4,000, completely destroyed by insurgents last night by fire. Defended by seven rurales.

BEAUPRÉ.

File No. 837.00/671.

JUNE 3, 1912—11 p. m.

A message from the President to Congress to-day asking for authority to suspend constitutional guaranties, in all or part of the Republic as circumstances may demand. Congress to consider matter to-morrow in special session.

BEAUPRÉ.

File No. 837.00/713.

[Extract.]

No. 285.]

AMERICAN LEGATION,
Habana, June 4, 1912.

SIR: It may be said with certainty that the Cuban Government is systematically endeavoring to create an unduly optimistic view of the present situation. Whites throughout the Republic continue to grow more apprehensive. For the past four or five days considerable apprehension has existed in and around Habana. The Government itself, although strenuously denying that there was any ground for fear, has taken the most exaggerated precautions to prevent an uprising. The contradiction between the Government's action and its denials of apprehension have created a decided feeling of apprehension in the city, probably much greater than if the Government had frankly made public its reasons for fearing an outbreak.

It may not be amiss at this time to call the Department's attention to my telegram of May 29, 7 p. m., wherein I quoted what purported to be instructions from Estenoz to his lieutenants. It will be noted that the active destruction of foreign property began on the night of May 31, about the time indicated in this instruction, whereas the negro leaders would have found it far less difficult to carry out their purposes in this regard during the first days of the rebellion and before the arrival of the Government forces.

I have, etc.,

A. M. BEAUPRÉ.

File No. 837.00/695.

[Telegrams.—Extracts.—Paraphrases.]

JUNE 5, 1912—7 p. m.

Sanguily said to-day that Cuban Government thoroughly understood that American Government reserved right to land forces in its judgment; that all possible facilities in the way of supplies, transportation and cooperation will be given our troops; that his Government welcomed the sending of marines to Guantánamo and that the Cuban troops thus relieved from guard duty would be immediately put in the field. He asked me to transmit the President's request that the officers in command of our forces be instructed to deliver to the municipal authority any rebels who surrender or are captured by them. This is for the purpose of combating belief among the negroes that by surrendering to Americans they will become prisoners of war and will be released upon the termination of hostilities. Sanguily said that although the Cuban Government thoroughly understood our attitude and the more intelligent Cubans approved the landing of troops, there is still a considerable element of suspicion among ignorant classes. This may complicate situation unless successfully combated by some such means as a definite agreement for harmonious action of Cuban and American forces, which would show the negroes that we are determined to lend our support to the constituted Government. In conclusion Mr. Sanguily stated that although he had no authority from the President to ask for the sending of more troops, he could state that it was the intention of the Cuban Government immediately to employ in active operations any troops relieved by the arrival of our forces.

BEAUPRÉ.

File No. 837.00/694.

JUNE 5, 1912—10.45 p. m.

President was today authorized to suspend constitutional guaranties in Oriente Province.

BEAUPRÉ.

File No. 837.00/690a.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 5, 1912.

The Cuban authorities having failed to take effective action for the protection of American life and property the commandant at Guantánamo naval station has been compelled to land four companies of marines. This action has been taken as a measure of protection only and not for the purpose of putting down the insurrection, which is clearly the duty of Cuba. Four large war vessels will forthwith be sent from Key West to Guantánamo. It is hoped these measures will at once awaken the Cuban Government to prompt and adequate discharge of its responsibilities, and you will vigorously impress upon the President of Cuba that a continued failure on the part of his Government adequately to protect life and property will inevitably compel this Government to intervene in Cuba under and in response to its treaty rights and obligations.

KNOX.

File No. 837.00/781.

The American Minister to the Secretary of State.

[Extract.]

No. 287.]

AMERICAN LEGATION,
Habana, June 6, 1912.

SIR: Referring to previous correspondence in regard to the present negro uprising in Cuba, I have the honor to submit the following observations for such consideration as the Department may deem appropriate:

While the situation is very serious and rapidly tending toward a condition which will render intervention inevitable, it seems to me that there is still an opportunity for the adoption of a policy or line of action which might result in a better state of affairs.

It has been my understanding that you earnestly desired to avoid another intervention in Cuba, and I have, therefore, labored constantly to that end since I have been here, under the conviction that intervention, occupation, or annexation would be contrary to our traditional policy and to your expressed wishes and, therefore, to be avoided by all reasonable and honorable means.

There is no doubt in my mind that the present uprising in Oriente is extremely serious, far more serious than the Cuban Government appears to realize or, at any rate, than it is prepared to admit. If the present tactics are continued there is every reason to believe that the uprising will not be put down for months, or even years, without material assistance or intervention by the American Government.

The greatest burden now resting on the Cuban Government is the protection of foreign property. In order to afford anything approaching the protection demanded by foreign interests here it would require forces greatly in excess of those now at the despatch of the Cuban Government at a time when that Government should devote to active operations every soldier it can command. With the best will in the world, the Cuban Government can offer only relative protection, but most of the foreign interests in Oriente quite fail to make any distinction between the interest of the Cuban Government in protecting their property in order to avoid the subsequent claims for damages and their own absolute right to demand and obtain complete security in spite of the troubled conditions now existing.

Although the Cuban Government had not requested the landing of marines for the purpose of affording protection to foreign property, the President expressed his gratification on learning of the fact that a force of marines was landed at Guantánamo yesterday, and sent me word that as rapidly as American forces arrived for the protection of different foreign properties the Cuban troops stationed there would be promptly withdrawn and devoted to active operation against the rebels.

Aside from the fact that assistance of this sort coming from us would tend to hasten the reestablishment of normal conditions in Cuba, it would seem evident that we will be obliged to land further forces in the very near future. My British and Brazilian colleagues have already expressed surprise that forces landed have been devoted entirely to the protection of American property, and the former stated to me last night that, unless American or Cuban protection was forthcoming for his nationals in the Guantánamo district by this morning, he intended to cable the Foreign Office in London to urge that representations be made in Washington with a view to having forces of American troops assigned to various British properties in the disaffected districts. I fear that this is merely the beginning of a general demand that American protection be afforded to foreign interests in Oriente. If, either through our own determination thus to aid the Cuban Government to suppress the uprising or through compliance with foreign demands for protection, we eventually release the Cuban forces from police duty so that their entire efforts can be devoted to the prosecution of a campaign against the rebels, it may be confidently said that the chances of a successful outcome will be greatly increased.

As the prosecution of an active campaign on any considerable scale will of course require a large financial outlay, it seems highly probable that the Government will soon be obliged to seek a foreign loan. Under the existing conditions it would seem improbable that any responsible banking house would be prepared to make such a loan without substantial guaranties, and would probably demand them from our Government.

It seems to me that the floating of a new loan would offer us an extremely good opportunity to be of real assistance to the Cuban people by putting our own conditions upon the granting of the loan in order to make sure of its honest application. It would seem that this might readily be made to entail some more or less active fiscal control, which would protect the Cuban treasury against the wholesale looting to which it has hitherto been subjected. As is of course well known, Cuba is naturally so rich a country that an honest administration of her finances would in a short time place the Government in a very stable and prosperous position, and would enable an honest administration to accomplish much for the country which would be impossible if it were to take over the machinery of government and the burden of debt and disorder which now exists.

In closing, I desire to impress upon the Department the fact that my observations in this regard are based upon a desire to offer some possibly helpful suggestions toward the attainment of what I understand to be the desires of the Department in carrying out its policies with regard to Cuba.

I have [etc.]

A. M. Beaupré.

[Telegrams.—Paraphrases.]

File No. 837.00/701.

American Legation,
Habana, June 7, 1912, 11.15 a. m.

There was a Cabinet meeting yesterday, evidently to consider representations made by me in pursuance of Department's June 5. After the meeting Mr. Sanguily issued the following statement, ostensibly based upon a telegram received from the Cuban minister in Washington:

> I believe we Cubans are in a really critical situation, which the Government intends to overcome by extraordinary effort, being confident that the resolution and patriotism of the country will respond without hesitation, so that no one may undervalue the sacrifices of the Cuban people to avoid a foreign intervention in this international [sic] conflict, thus showing in their purpose full unity of action, their capacity for the independent life of the Republic.

The President then issued a manifesto calling for volunteers "to combat the present movement against civilization." The entire press is cordially supporting the President.

BEAUPRÉ.

File No. 837.00/707.

JUNE 7, 1912—7 p. m.

The Speaker of the House of Representatives, Ferrara, left today on unannounced trip to Washington. I am reliably informed he is special representative of President Gómez to ask further aid in protecting property, but more particularly to plead for time to crush rebellion. This information is from private sources.

BEAUPRÉ.

File No. 837.00/773.

The Minister for Foreign Affairs to the American Minister.

[Inclosure in despatch 292, June 11, 1912.—Translation.]

No. 622.]

DEPARTMENT OF STATE,
Habana, June 8, 1912.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note No. 207,[1] of the 5th instant, inclosing copy of a note of the same date which you addressed to the President, quoting in part a cablegram which your excellency had received from your Government to the effect that the situation had compelled the commandant of the naval station at Guantánamo to land four companies of marines, and that this action had been taken solely as a measure of precaution and not for the purpose of putting down the rebellion. The cablegram in question also announced the sending of four warships from Key West to Guantánamo for a similar purpose should the situation require additional forces, and, in conclusion, expressed the hope that these measures would bring the Cuban Government to a realizing sense of the necessity of promptly and adequately attending to its duties and responsibilities.

Your excellency added that the Government of the United States desired to announce, through the authorized medium of your excellency, that it would, under certain conditions mentioned and in the event of the continuance of those conditions, be unavoidably compelled to intervene.

And although this announcement of a contingency which, as it is apparently desired to convey, may soon arise is predicated upon observations that are more or less debatable, since your excellency's Government must from the attitude assumed have felt justified, from its point of view, to make such observations, I shall not of course examine them closely, nor is it incumbent upon me or appropriate to discuss them; for in these times of trial for their country it is not meet for Cubans to place themselves in the light of thwarting the action of the American Government, more especially because they should not allow themselves for a single instant to doubt the good faith or intentions of the American Government concerning the stability of this Republic.

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[1] Transmitting Department's instruction of June 5.

But permit me, Mr. Minister, in discharge of my conscience and in behalf of the Cuban Government, to be so honestly frank with you as to say that the intervention which has been initiated and is being prepared is in no sense justified.

Inasmuch as it is our affairs—matters of the utmost transcendence, that are really and essentially vital—that are at stake, it will not be denied that we have, at least conjointly with the right, the duty to judge the acts of others which so profoundly and absolutely concern us, which to such a degree affect our existence and our pride; for it is true beyond doubt that our Government has not failed in its earnest endeavor to combat the racial uprising and adequately to protect the lives and property of American citizens, since it is a notorious fact that no American property had been destroyed nor had the life of any American citizen been endangered prior to the landing of the American marines. In the short space of two weeks the Cuban Government has really performed wonders; indeed, not every government, even among the best, would, in view of the peculiar circumstances and the exceptional nature of the present conflict, have acted with equal diligence and such extraordinary success.

No one better than your excellency can bear witness to my assertions, acquainted as you are with the great difficulties with which the Cuban Government has had to contend, to the extent even of having had to suspend military operations, or modify the most carefully prepared plans, because of the pressure brought by foreign property owners, or their resident managers, who have contributed so greatly to inciting and keeping alive the alarm, especially abroad, with their clamors for protection for their industries, farms, or dwellings, while the natives, without legations to which to appeal, were left completely unprotected.

Your excellency knows that this is an island as narrow as it is mountainous; that the population is relatively sparse and distributed over vast solitudes despite the great progress of all kinds lately made; and that with the whites coexist an enormous mass of peoples of African extraction, many of them awakened to the highest ambitions and most unattainable desires (through the fault, be it said, of the governments which have ruled the country during the past quarter century, without exculpating any of them, though the sins of all arose from the noblest and most generous impulses) which has in the end broken out in an explosion of barbarism. So, too, has your excellency been able to see through the intentions of the insurrectionists as proclaimed by their leaders and published in the press, for the perverse authors of the uprising, alleging fantastic grievances, admit that they have the astounding intention of burning foreign property in order to force upon the United States the necessity for intervention in the absurd and grotesque hope that, as on a former occasion in dealing with the whites, the United States would enter into arrangements with them after first turning out the Government that opposed them.

Yet in but fifteen days this Government, despite so many setbacks, swept the western provinces clear of the stupid rebellion and has reduced it to the limited zone of Oriente Province, where, ceaselessly and tirelessly, it pursues the villainous bands into the very heart of the rough mountains in which they have taken refuge in order safely to plot the destruction of the property of whites or diabolical assaults upon the honor of white women.

In such circumstances the Cuban Government is of the belief that more could not be expected of it, and that more could not have been done by any government under the same conditions; and therefore so quickly and unjustly to declare the Government a "failure" in this sense is not only to commit a great injustice but to discredit it without purpose and without even advantage to anyone. Now that so many negroes have learnt a lesson, or have repented, it is not to be assumed that the uprising so resolutely prosecuted will extend to or break out in the western provinces, and, too, the assurance can be vouchsafed that in the affected zone, where the indefatigable and vigorous prosecution of our troops and of our enthusiastic volunteers have the movement cornered and almost in its last gasps, it will soon—as soon as is humanly possible, but, in any event, in a very short time—be broken up and overcome, without outside assistance and solely by the efforts of the Government and the patriotic and valorous cooperation of our people, because, in fine, the conscience and will of the nation have so resolved. For these legitimate reasons, I can really see no objection (but, in fact, positive advantage) to the United States Government—placing itself in our position and considering the efforts we have put forth, the sufficient means at our disposal, and the unanimity with which the country has responded to our call to crush, in one definite and supreme attack, the criminal uprising which is already beginning to show signs of death—deferring its preparations (if, indeed, it be true that such preparations are being made) for such time as may reasonably be considered necessary for Cuba to put the finishing touches to its work—the time that the American Government itself would need were it in our place—thus preventing the discredit of a friendly Government such as ours, in regard to which there are those who already look forward with indecent anxiety to its disacknowledgment by the Government which, on the contrary, should encourage and reinforce it with its sympathy and consideration.

Nevertheless, however the procedure of your excellency's Government may be regarded, and although the news of an impending intervention of a nature and extent at present unknown has created wide consternation, for my own part, as also for the part of my Government, Mr. Minister, after the protestations from Washington and the assurances which your excellency yourself has been good enough to give me in several interviews, we are of the number who in the present case attribute to the American Government the purpose of preparing an intervention in our internal affairs of a different character, more honorable to the people and Government of the United States, and at the same time more decorous and consoling for Cubans and the civilization which they represent, many of whom have memories of past interventions.

The rectitude of the intentions and the unwavering purpose of the United States to support and maintain through the vicissitudes of our national development the independence of the Island of Cuba having always in the end been plainly manifested, any possibility is conceivable to me in human affairs save that the friendly relations between the American Government and people and the Cuban Government and people (whose mutual affection and concord no circumstance should, for the honor of the United States and the happiness of this people, ever diminish and much less destroy) should not continue, if possible, more solid, more intimately sincere and cordial.

I avail myself, etc.,

MANUEL SANGUILY.

File No. 837.00/717.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, June 9, 1912.

Disorders in Habana and suburbs have for some days been assuming character of race war. In spite of threats to deal severely with trouble-makers, the authorities are showing weakness. Americans, other foreigners, and many Cubans extremely apprehensive and appeal for sending of a war vessel. The size of our colony and large number of American women it contains places heavy responsibility upon our Government as regards possible consequences of racial trouble. I feel that a war vessel should be sent immediately for moral effect and to calm general apprehension.

BEAUPRÉ.

File No. 837.00/717.

The Secretary of State to the American Minister.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, June 9, 1912.

Two war vessels will be ordered to Habana immediately.

KNOX.

File No. 837.00/737a.

JUNE 10, 1912.

With a letter from President Gómez accrediting him with a confidential mission, Mr. Ferrara called this morning and indicated that the reports to this Government as to the situation in Cuba had been very much exaggerated and that it was particularly important that the Cuban Government itself should put down the insurrection in order to discourage future insurrections based on a hope of provoking American intervention. No disapproval of protection of American interests by the marines now landed or such as might be landed was felt, he said; but it is hoped that they would not be called upon to suppress the insurrection, leaving that to the Cuban forces. He greatly desires that something friendly to the Cuban Government should be expressed by this Government. I told him that the United States hopes and believes the Cuban Government will, by prompt and effective measures, be able to suppress the insurrection, and that the sending of the vessels to Habana last night indicates no change in this Government's policy of nonintervention. The vessels were sent solely to provide some place and means of safety and protection for Americans and other foreigners and for such moral effect as they might have. The minister, Rivero, urges that the ships be withdrawn from Habana. What are your views concerning this request? Rivero asserts most positively that no one was killed in the troubles in Habana.

KNOX.

File No. 837.00/738.

The American Minister to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Habana, June 10, 1912.

From the first it has been difficult accurately to estimate the situation because, above all, of complete failure of Government to be fair and frank with me. All statements made upon my own authority have been sent only after the most thorough verification and are entirely accurate. I believe that the consul at Santiago, our chief source of information in Oriente, is thoroughly reliable and conservative. The Government has never been frank, and quite recently it has clearly appeared to me that it considered it necessary to convince the American Government that the insurrection was crushed, in order to avoid intervention. For in spite of protestations of confidence in our intentions, the Cuban Government seems to believe intervention to be imminent. Rivero's statement as to disorders on Saturday night are quite in line with the policy of his Government in suppressing and distorting news regarding the true situation, which has added materially to the existing feeling of uncertainty and apprehension. As regards withdrawal of ships, I can only say that my telegram of June 9 was sent only after careful consideration. If the sending of the ships was warranted in the first instance I am convinced that there is now no reason for their withdrawal. To-day I gave Admiral Osterhaus the substance of my June 9, and such additional information as I had. He said that he thought the vessels should remain for a time for moral effect, even if not upon far more serious duty.

BEAUPRÉ.

File No. 837.00/765.

[Extract.]

No. 291.]

AMERICAN LEGATION,
Habana, June 11, 1912.

SIR: Referring to my telegram of June 9, and to subsequent correspondence in regard to the racial disorders in Habana, I have the honor to report as follows.

A little after 9 o'clock Saturday evening a number of negroes were attacked by crowds of whites armed with revolvers. At least one was killed in the center of town and two or three more in various parts of the city and suburbs, the disorders having spread with great rapidity. Large numbers of negroes were beaten and the receiving hospitals were kept busy until a late hour of the night. Although warning had been given the Government of these outbreaks, it had failed to take adequate precaution, and it was some time before sufficient forces were on the ground to clear Central Park and hold the largest crowds in check. On hearing of the trouble Mr. Gibson and Mr. Bell, the two secretaries of this legation, went to Central Park, where they met Colonel Aguirre, chief of police. At his invitation they remained with him in a café on the square, where he established himself to receive reports from his subordinates. He remained there until after 2 o'clock in the morning, receiving frequent verbal reports from his subordinates as to occurrences in various parts of the city, and it was from this source that I gained the information contained in my telegram of June 9.

It was fully expected that serious disorders would occur on Sunday evening. As it happened, however, torrential rains began on Sunday morning and have continued almost constantly. In spite of this the Government had large forces patrolling all the principal streets. It may be said without exaggeration that a large number of the various foreign colonies and a large number of Cubans were in a state of apprehension closely bordering upon panic. The amount of feeling aroused by the disorders of Saturday night and by the reports of outrages received from Oriente had also produced a very dangerous state of mind which entailed, and undoubtedly still entails, great potentialities of trouble. For these reasons and in view of the importance of the American colony in Habana and its suburbs, containing many American women, it seemed to me that a very heavy responsibility rested upon the American Government and upon me in the event of serious racial disorders.

Therefore, after much thought and careful consideration of the possible effects of the step, I decided that the only course open to me was to ask for the sending of a warship to Habana for moral effect and to calm the general feeling of apprehension. From what I am able to observe, since the arrival of the ships yesterday, the effect has been all that could be desired. A general feeling of relief is evident in the foreign colonies of Habana and apparently a large part of the Cuban population expresses decided satisfaction at our action in sending the ships here. Strange to say, none of the newspapers have expressed pronounced disapproval at the sending of the ships, and those Cubans who are not relieved by their arrival have apparently accepted it apathetically. The only expressions of apprehension or disapproval which I have heard emanate from the Cuban Government itself, which evidently entertains grave fears that the American Government is deliberately seeking pretext for an intervention.

In summing up, I beg to express my thorough conviction that the sending of the ships was fully warranted by the situation, that the effect of their visit has been salutary, and that their withdrawal at this time would be a serious mistake.

I have [etc.] A. M. Beaupré.

[Telegrams.—Paraphrases.]

File No. 837.00/745.

AMERICAN LEGATION,
Habana, June 12, 1912.

The following from the consul at Santiago:

> An order dated June 11, 1912, of which the following is a translation, has been issued and will be promulgated this afternoon:
>
> > Insurgents in arms who will appear and submit to the lawful authority before 12 p. m. on June 22 will be exempted from punishment and immediately liberated, except the originators or leaders of the rebellion and those guilty of a second offense. The originators and leaders will be exempted from the penalty to which they are liable if they surrender within the same time limit, and will suffer the penalty immediately below, from the lowest to the medium degree. Those guilty of a second offense will be held under the surveillance of the authorities.

From the foregoing it would seem clear that either the Government's claim of having the rebels surrounded and at its mercy is without foundation or that the President intends to adopt no severe measures against the rebels in order for political purposes to avoid antagonizing them.

BEAUPRÉ.

File No. 837.00/760.

The Special Representative of President Gómez to the Secretary of State.

[Not a translation.]

WASHINGTON, *June 13, 1912.*

MY DEAR MR. SECRETARY: Availing myself of your kind condescension in offering me an opportunity to express what I think might be stated by your Minister in Cuba, with the object of giving our Government the prestige that in my humble opinion has been lessened in the eyes of its enemies by the interpretations given to the recent well meant acts of the Government of the United States, I would suggest that he say that the Government of the United States sees with satisfaction that the Government of Cuba proceeds with great activity in the repression of the movement that has been misnamed a revolution and which is localized in a section of the Oriental province, and also expects that its efforts soon will be crowned by such complete success as will reaffirm the Cuban Government on its own basis and show that even in a social crisis it can maintain its supreme authority.

That the Government of the United States, when it sent ships of war to Cuban waters and landed marines to guard the property of foreigners in Cuba against outrages that violate every right, had no intention of performing an act of interference in the internal affairs of the Cuban nation which are entrusted to the latter's Government, but on the contrary, as it would have acted in other countries, its desire has been to prevent dangers to the lives and property of foreigners, its action benefitting without any doubt the cause of the constituted order in Cuba.

It is also the firm intention of the Government of the United States to pay no heed to private interests that may have aspirations contrary to those of the majority of the Cuban people, whose only representative is the legally constituted Government.

Such declarations, made in Cuba by your representative, would calm the unrest of the people, whose greatest aspiration is the independence of the Republic, would give the Government that confidence and assurance that you and I believe to be so necessary in the present circumstances.

Believe me [etc.]

ORESTES FERRARA.

File No. 337.41.

The Chargé d'Affaires of Great Britain to the Secretary of State.

BRITISH EMBASSY,
Washington, June 13, 1912.

DEAR MR. SECRETARY: From information received by His Majesty's Government it appears possible that British subjects and their property in the disturbed area in Cuba may be endangered. I have therefore been directed to ask you whether instructions could be sent to the United States Naval authorities now in the island to give protection to British lives and property in cases where the Cuban Government appears unable to provide for it.

It will be within your recollection that your Government was kind enough to issue instructions in 1906 in this sense in the case of the more serious disturbances then existing, and that the Department then informed the Embassy in a telegram dated September 16 that what protection might be available for American life and property would likewise be extended to British subjects.

His Majesty's Government much appreciate the assistance already given recently to British subjects by the United States troops in Cuba, in at least one instance, and would be grateful for similar assistance in the future, should it become necessary.

I am [etc.]

A. MITCHELL INNES.

File No. 837.00/755.

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Habana, June 13, 1912.

Wholesale arrests of negroes in Habana and vicinity on charges of conspiracy continue. Although Government continues to maintain that the rest of the country is absolutely quiet, negroes are conspiring almost openly in various parts without interference from the authorities.

A story is being industriously circulated by the Department of the Interior to the effect that the President is planning to send General Wood or General Crowder to Cuba to look into the justice of the negroes' demands, and that if they so advise the American Government will insist that the negroes be given the upper hand in the Government. This ridiculous story is creating a surprising amount of consternation and resentment even among intelligent classes who would welcome intervention.

BEAUPRÉ.

File No. 837.00/756.

June 13, 1912.

The Cuban Secretary of State has given to the press a telegram from Ferrara saying "ships ordered withdrawn."

Beaupré.

File No. 837.00/740.

The Secretary of State to the Cuban Minister.

No. 48.]

Department of State,
Washington, June 13, 1912.

Sir: I have the honor to acknowledge the receipt of your note, No. 27, of the 10th instant,[1] by which, in pursuance of the subject of your remarks to me on the 9th instant, you quote a telegram wherein the Cuban Government makes various statements regarding the present situation in Cuba and wherein, in conclusion, you request that the Government of the United States withdraw the warships now at Habana.

In reply I need only remark that the Government of the United States has every confidence in the reports of its representatives in Cuba, whose efficiency in this direction will naturally profit by the candor displayed by the Cuban officials with whom they deal, and that in view of the information before it the Government of the United States would not feel justified in changing at this time naval dispositions the true object of which is so well known to the Cuban Government.

Accept [etc.]

P. C. Knox.

File No. 837.00/755.

The Secretary of State to the American Minister.

[Telegrams.—Paraphrases.]

Department of State,
Washington, June 14, 1912—3 p. m.

Your telegram June 13. You may give publicity to the following statement:

> Under instructions from the Government of the United States, the Legation gives notice that no credence should be attached to reports as to the policy or action of the United States except only authentic official statements by the Department of State or by this Legation.
>
> On March 13 the President of the United States called special attention to the bad effect of unauthorized promulgation of false rumors. The occasion for now reverting to the subject is due to the story being circulated in Habana and elsewhere to the effect that the President is planning to send a representative to Cuba in connection with questions between the Cuban Government and the insurrectionists.
>
> Although the policy of the United States has, from the very first, been made absolutely clear, so industrious is the circulation of malicious and uninformed rumors that it may be worth while once again to state that only measures of precaution and of ordinary protection of American life and property have been taken: measures irrespective of the special relations of the United States and Cuba and unrelated to the possibility of intervention. These measures do not

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[1] Not printed.

relieve Cuba of its obligation fully to protect foreign life and property, although they have been recognized as greatly strengthening the hand of the Cuban Government. Indeed, the spirit of these measures has been well called a "preventive policy"—a policy of giving Cuba every opportunity to vindicate its national position.

As was officially stated by the Secretary of State on June 10: "The United States is not contemplating intervention in Cuba, but hopes and believes the Cuban Government will, by prompt and active measures, be able to suppress the insurrection."

KNOX.

File No. 337.52.

JUNE 14, 1912—5 P. M.

A request has been received for American protection for the Esperanza San Miguel Sugar Mills, owned by the Spanish firm Marimon Bosch Co., Santiago. You may bring this and similar cases informally and unofficially to the attention of the Foreign Office, saying that the matter is of course not one primarily for the cognizance of this Government, yet its friendship for and interest in Cuba's ultimate welfare prompts it to bring the case to the attention of the Cuban Government, which it is hoped will take the measures necessary to obviate the possibility of future embarrassment.

KNOX.

File No. 837.00/760.

The Secretary of State to the Special Representative of President Gómez.

DEPARTMENT OF STATE,
Washington, June 15, 1912.

MY DEAR MR. FERRARA: In reply to your note of the 13th instant, wherein you suggest that to calm the unrest of the people in Cuba an additional statement be made by the American Minister at Habana concerning the real attitude of the Government of the United States, I take pleasure in enclosing copy of a statement[1] which the American minister was authorized to make public yesterday.

I am [etc.]

P. C. KNOX.

File No. 337.41.

The Secretary of State to the Chargé d'Affaires of Great Britain.

No. 1540.]

DEPARTMENT OF STATE,
Washington, June 20, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in which you state that you have been directed by His Majesty's Government to ask whether instructions could be sent to the American Naval authorities now in Cuba to give protection to British lives and property in cases where the Cuban Government appears unable to provide protection.

In reply I have the honor to say that I have communicated your note to the Secretary of the Navy with the request that, following the course pursued during the revolutionary disturbances in Cuba in

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[1] Contained in the instruction of June 14, 3 p. m.

1906, such protection as may be available for the lives and property of American citizens in Cuba shall likewise be extended to British subjects.

I have [etc.]

P. C. KNOX.

File No. 837.00/844.

The American Consul at Santiago to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Santiago, Cuba, June 28, 1912—6 a. m.

The rebel leader Estenoz was killed yesterday in a battle at Micara. His body was brought here and positively identified.

HOLADAY.

File No. 837.00/852.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 29, 1912.

Admiral Osterhaus telegraphs the Navy Department as follows:

> The Minister concurs with me in believing there is no need for ships here and that the Third Division, Atlantic Fleet, with force on board, may return north; also, in my opinion, state of affairs in the Province of Oriente is such that all vessels of the Fourth Division, Atlantic Fleet, may be withdrawn, leaving landed forces and gunboats to handle situation. The latest reliable information indicates Cuban forces can control situation.

Pursuant to this telegram the large war vessels at Key West, Habana and Guantánamo have been ordered north; the gunboats, auxiliaries and marines to remain. Inform consul at Santiago.

KNOX.

File No. 837.00/878.

The American Minister to the Secretary of State.

[Extract.]

No. 323.]

AMERICAN LEGATION,
Habana, July 2, 1912.

SIR: While there have been no radical developments since Estenoz was killed, I think I may safely say that the situation has improved to a remarked degree, and that a very encouraging change is manifest in public confidence. It is, of course, impossible to predict with certainty what may happen so long as Ivonet and other leaders contrive to elude capture, but it is now generally believed that the Government has the upper hand and will, with a proper display of energy, be able completely to crush the revolt.

I have, etc.,

A. M. BEAUPRÉ.

File No. 337.41/4.

The Chargé d'Affaires of Great Britain to the Secretary of State.

No. 149.]

British Embassy,
Kineo, Me., July 22, 1912.

Sir: With reference to your notes Nos. 1540 and 1551[1] of the 20th ultimo and 1st instant respectively, I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to express the cordial thanks of His Majesty's Government for the readiness of your Government to instruct your Naval authorities in Cuban waters to offer protection to British lives and property during the late disturbances on the island.

I have [etc.]

(For H. M.'s Chargé d'Affaires)
Archibald Kerr.

ASSAULT UPON THE AMERICAN CHARGÉ D'AFFAIRES.

File No. 123.G35/41.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.]

American Legation,
Habana, August 27, 1912.

On entering Hotel Miramar this evening to dine I was assaulted from behind without warning or provocation by a reporter of La Prensa, who had been excluded from the Legation and Department of State for lying statements and is notorious for having figured in many unsavory incidents. He knocked me senseless, and while in this condition he attempted to inflict further injuries. Saved from serious injury by Bell. Reporter immediately arrested. Have received telephonic message from President Gómez, who is in the country, and calls from Secretary of State and other officials, who express regret and make spontaneous promise of serious prosecution. In view of demoralizing effect of failure to press prosecution of assailant of Tarler in August, 1908, and hostile attitude of part of press towards United States at this time, I venture to recommend that Department express interest in proper prosecution.

Gibson.

File No. 123.G35/41.

The Acting Secretary of State to the Minister of Cuba.

No. 57.]

Department of State,
Washington, August 28, 1912.

Sir: The Department is in receipt of a telegram from the American Chargé d'Affaires at Habana stating that while entering the Miramar Hotel on the evening of August 27 he was assaulted from behind, without provocation or warning, by a reporter of La Prensa who had been excluded from the Legation and from the Department of State of Cuba because of false statements and who is said to be notorious as having figured in many unsavory incidents. Mr. Gibson was knocked senseless and while in this condition an attempt was made by the assailant to inflict further injuries.

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[1] Not printed.

This Department expects the Cuban Government to take prompt and energetic measures adequately to punish the offender.

Accept [etc.]

HUNTINGTON WILSON.

File No. 123.G35/47a.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 28, 1912.

Accept the Department's congratulations for the very good work done by the Legation.

In regard to your August 27, the Department has communicated with the Cuban Legation expressing its regret at the vicious and uncalled-for assault upon you August 27 and has requested that the Cuban Government take prompt and vigorous measures adequately to punish the offender. You will so inform the Cuban Government.

WILSON.

File No. 123.G35/48.

The American Chargé d'Affaires to the Secretary of State.

No. 402.

AMERICAN LEGATION,
Habana, August 29, 1912.

SIR: Referring to my telegram of August 27 and to my subsequent telegraphic correspondence[1] in regard to the assault made upon me on the evening of the 27th instant, I have the honor to report as follows:

On leaving the Department of State on the 12th instant I was accosted by a number of Cuban reporters including one Enrique Maza, a reporter on the newspapers La Lucha and La Prensa of this city, who most insistently demanded that I inform him as to the subject of my conversation with the Cuban Secretary of State. I stated courteously but firmly I was not at liberty to discuss the matter and that they would have to secure any information they desired from Mr. Sanguily. This statement was accepted with perfectly good grace by all the reporters excepting Maza, who was very insistent and detained me for some minutes in conversation. Later in the day he called at the Legation stating that he had been sent by Mr. Sanguily, who was willing that I discuss with him the subject of our morning's conversation. Knowing Maza's character as I did, I was quite confident that Mr. Sanguily had not sent him to see me without advising me by telephone or otherwise. However, as Maza was in the employ of La Lucha, one of the editors of which had been extremely fair in his dealings with the Legation, I was most desirous not to give him offense in any way and explained to him repeatedly and with great patience that it was utterly out of the question for me to discuss official business of the Legation in the press; that there was nothing at all mysterious or ominous connected with my visits to Mr. Sanguily but that the Legation made a general practice of leaving the discussion of official matters to the Cuban Department of State. This conversation took place within the hearing of the policeman on guard at the Legation, who remarked upon my extreme patience in dealing with so insistent and impertinent a caller. Later in the day Maza again accosted me at the Department of State, and upon my third refusal to discuss matters with him, announced that he proposed to write an article for that evening's edition of La Prensa giving his imagination full sway. He did not overstate his intentions in the least as his article published in La Prensa contained a statement attributed to me in which I confirmed a number of statements which had been previously made to La Prensa to the effect that the American Government considered that President Gómez had brought Cuba to the brink of ruin, that we would not permit his reelection, and that I had contradicted statements made to the press by Mr. Sanguily. This statement was filled with such deliberate and vicious falsehoods that I felt obliged to inform La Prensa as to Maza's conduct and to state that he would not again be received in the Legation. This was evidently the reason for his attack upon me although he was careful to await a pretext which would be more likely to insure him popular sympathy.

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[1] Not printed.

On Tuesday evening (the day upon which the Reilly and Donovan and Phillips claims were paid) I joined Mr. Bell[1] at the Hotel Miramar where we customarily dine. As I got out of my cab I noticed Maza standing on the far side of the large room through which one must pass to enter the garden restaurant. Mr. Bell was waiting for me at the door in company with a young Cuban official with whom we exchanged a few words. While we were speaking to the latter Maza crossed the room towards us and took his stand at one side of the door through which we had to pass in order to enter the garden. As Mr. Bell and I crossed the threshold Maza called out to me in an insolent tone, but without pausing I merely turned my hand and told him I had nothing to say to him. Without saying a word he quietly followed us, passing behind Mr. Bell, who had been between us, and without a word or warning of any description dealt me a blow on the side of the head which knocked me down and rendered me unconscious for several seconds. While I was in this condition he sprang upon me and endeavored to inflict further injuries, from which he was prevented by the prompt and vigorous efforts of Mr. Bell, who managed with considerable difficulty to pull him off and throw him on the marble floor before the arrival of the police on duty at the corner and the idly curious crowd. I had by this time regained my feet and informed the policeman who I was, and asked that Maza be promptly detained and held until the police should receive instructions from the appropriate authorities.

I immediately telephoned to Dr. Patterson, the Sub-Secretary of State, informing him what had happened, and asked that he lose no time in seeing that proper steps were taken against Maza. This he promised to do, with many expressions of regret. Although decidedly uncomfortable from the effects of the blow and fall, I remained to dine with Mr. Bell at the Miramar, where in the course of the evening I received calls from the Secretary and Sub-Secretary of State, the Chief of Police and a number of others, who called to express their regrets and to assure me that the Government intended to make an example of Maza for what they all termed a cowardly and unprovoked attack.

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[1] Second Secretary of the Legation.

I was considerably astonished the following morning to note that when Maza was taken to the police station and arraigned before the Correctional judge on duty he was promptly released upon his own recognizance. I promptly communicated this information to the Secretary of Justice, who ordered the case referred from the Correctional Court to the Court of Instruction. He also ordered that the charge be changed from one of simple breach of the peace to assault upon a public minister. Although these steps were taken by 8 o'clock in the morning it was not until 5 o'clock in the afternoon that Maza was again arrested, and this time he was again released on $500 bail, the minimum in cases of this sort.

The Chief of Police has since explained to me that on hearing of the assault he promptly sent word to the Correctional judge that this was an extremely serious offense and that he should deal very severely with the prisoner. After sending this message he considered that such action was so much a matter of course that he had reported it to me as a fact. The judge however took a different view of the case and sent an insulting message to the Chief of Police to the effect that it was quite the same to him whether the individual assaulted was the American Minister or a Cuban of the lowest class, and that he would do exactly as he pleased in his own court. This Judge Almagro has on various occasions been notoriously incorrect in his proceedings and the Chief of Police informs me that he intends to prefer charges against him on account of his conduct in this case.

It appears that the assault was witnessed by several employees of the Hotel Miramar, who have already given their testimony before the Audiencia, which will have charge of the case. All testimony has now been taken except that of Mr. Bell and myself, which we are ready to give as soon as authority is granted by the Department to that end.

I may add that Maza has long been notorious for his participation in unsavory incidents of this sort and disturbances of the peace. He has been employed upon practically every newspaper in Habana but has been so entirely unreliable and disreputable that he has lost one position after another. He has been forbidden to enter several other legations in Habana, and the Department of State, as a result of wilfully false statements which have been put in the mouths of foreign representatives and the Cuban Secretary of State, and also for his extreme insolence.

As I stated in my telegram of Tuesday evening, it seems to me highly desirable that the case against Maza be vigorously pressed. The failure to press to a prompt and satisfactory conclusion the case against Yarini (the assailant of Mr. Tarler) in September, 1908, produced a most demoralizing impression, which has been steadily manifest ever since my arrival in Habana. The incident is frequently mentioned in conversation and in the press to show that Cubans may with impunity offer violence to American representatives or residents, and that the force of public opinion upon the Cuban courts is sufficiently strong to save them from any punishment. The extremely hostile attitude of a portion of the Cuban press inciting, as it does, to violence against the Legation may readily encourage the irresponsible elements here to attacks upon members of this and other legations, and only prompt action with a view to making an example of this man will effectively disabuse the public mind that the United States is unable or indifferent as regards the forcing of proper respect for its representatives abroad.

I have [etc.]

HUGH S. GIBSON.

File No. 123.G35/39.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 30, 1912.

I have this evening impressed most earnestly upon the Cuban Minister the necessity for the Cuban Government to realize its duties and responsibilities in this matter and have plainly indicated to him that this Government is shocked at the seeming acquiescence of the Government of Cuba in the attacks upon the Legation, to be inferred by its silence thus far, and that this Government expects that the Government of Cuba will promptly and adequately deal with the situation.

WILSON.

File No. 123,G35/49.

The Minister of Cuba to the Acting Secretary of State.

[Translation.]

No. 37.]

LEGATION OF CUBA,
Washington, August 31, 1912.

SIR: I have the honor to acknowledge receipt of your courteous note No. 57 of the 28th instant, in which you inform me that the Chargé d'Affaires of the United States in Cuba, on entering the Hotel Miramar in the evening of August 27, was assaulted by a reporter of La Prensa who struck him with intent to do him bodily injury; and that the Department of State of the United States expects that the Cuban Government will promptly take energetic measures to punish the offender.

In reply, Mr. Secretary, I reiterate to you my regret, already verbally expressed to the Department of State, at so deplorable and unjustifiable a deed, and at the same time I inform you that my Government has instructed the Public Prosecutor's Office to bring action for the public trial and punishment of the aggressor in accordance with the penal laws of Cuba, which in cases like this are as severe as those of the United States in punishing violators of the rules of international hospitality.

My Government further tells me that as soon as it learned of the act referred to in your note, besides taking steps for the arrest and punishment of the aggressor, it gave the Chargé d'Affaires complete satisfaction through the Secretary of State, who called in person at the Legation of the United States for that purpose.

I am sure that the courts of justice of Cuba, true to their honorable traditions, will not fail to inflict upon the offender the punishment provided by law, and I trust that the deed of an irresponsible man, unfriendly to the Government to the point of being denied admittance into the Department of State of Cuba, as you inform me in the note I am answering, cannot occasion any change whatever in the good and cordial relations existing between Cuba and the United States.

I avail [etc.]

Antonio Martin Rivero.

File No. 123.G35/46.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Habana, September 1, 1912.

In an interview yesterday with the Assistant Secretary of State I read to him the Department's telegram of August 30, and pointed out the duty and interest of his Government in making, of its own accord, a straightforward statement of charges and of its intention to proceed with the utmost vigor in fulfillment of its duties. I also emphasized the propriety and need of frank consulation with the Legation as to the proposed course of action. At his request I left with him a memorandum based on the telegram above referred to.

Today he handed me a copy of a telegram addressed to the President by President Gómez, without knowledge of the Legation, saying that it was drafted by Sanguily and sent by authorization of President Gómez. Sanguily entirely fails to grasp the significance of the situation and his responsibility therein, manifesting determined disinclination to participate in the situation in any way, in spite of representations made by me and other foreign representatives. The telegram has been given to the press. It avoids all reference to the Reilly payment affair, which is the apparent cause of the entire campaign. This, together with a practical statement that the telegram is sent only under pressure, seems to give added color to a belief that the American Government and its representatives have resorted to bullying tactics, and to leave matters in a worse light than before.

Gibson.

File No. 123.G35/50.

The Minister of Cuba to the Secretary of State.

The Minister of Cuba, under instructions from his Government, has the honor to transmit herewith a copy of a cablegram dated the first instant, from the President of the Republic of Cuba to the President of the United States.

The Minister of Cuba takes this occasion [etc.]

LEGATION OF CUBA,
Washington, September 2, 912.

[Inclosure.]

The President of Cuba to the President.

HABANA, *September 1, 1912.*

To the Honorable William H. Taft, President of the United States of America, Washington:

Under the painful impression caused me by the declaration made yesterday by Mr. Wilson, Acting Secretary of State, to the Minister of Cuba at Washington, and confident of your constant good will toward Cuba and the Cuban Government, I renew to you my indignation and regret at the astounding outrage committed on the Chargé d'Affaires of the United States by a madman whose act may have been instigated by secret promoters of friction between Cuba and the United States. He has been arrested and indicted, and I assure you that the proceedings already begun will be conducted as rapidly as possible and with all the severity permitted by our laws. The insults offered to the Chargé d'Affaires by certain newspapers known to be in opposition to my Government will be made the subject of such prosecution as our laws permit, although they have produced no effect whatever in my country, which pays no attention to such acts nor to the intemperance of the press except to deplore them. Animated as I am by the ardent wish to free from all doubt the resolve with which I will always uphold the immunity and privileges of the representatives of friendly nations, and with the consideration and sincere affection that Cuba has always taken a delight in manifesting to the great nation over which you preside, I appeal to you to give your careful and entirely unbiased attention to this unpleasant case so that it may be adjusted in the amicable manner that we anticipate, in keeping with the cordiality and genuine esteem manifested on every occasion by Cuba and its Government for the American Nation. The latest notes and the memorandum communicated to us yesterday have greatly alarmed those who in the uneasiness of their patriotism fear that exaggerated reports, and the difficulty caused by distance of going into the inward nature of things, may lead the Government of the United States into a lamentable error in the appreciation of the occurrences of all kinds during the past few days, and may cause it to assume an attitude which you would surely be the first to deplore when you appreciate all the circumstances and know the sincerity of my purpose to do justice and also to maintain toward foreign representatives all the consideration to which they are entitled, particularly the representative of the American Government, who in his relations with us has always been courteous and even affectionate [afectuoso]. All these things lead me to anticipate a frank and cordial statement from you that will tranquilize those who are alarmed, by convincing all that the United States will not in this case depart from its constant desire to see Cuba maintain domestic peace and the friendliest relations with all nations, together with its well-founded gratitude toward the United States.

JOSÉ MIGUEL GÓMEZ.

File No. 123.G85/51.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Habana, September 3, 1912.

The Cuban Secretary of State has not made any statement to the press, in spite of strong recommendations; on the contrary he has succeeded in creating a feeling of apprehension here by stating with an air of mystery and grief that the situation was extremely serious; that the telegrams from the Cuban Minister at Washington were very alarming and that no one could foresee the outcome. These statements seem to have been made deliberately. It is now consequently believed here that our Government has assumed a threatening attitude toward the Cuban Minister and that the situation is really critical.

Gibson.

File No. 123.G85/54.

The President to the President of Cuba.

The White House,
Washington, September 4, 1912.

By Your Excellency's telegram I am happy to receive the expression of profound regret at the assault perpetrated upon the Chargé d'Affaires of the United States of America and the expressions of strong condemnation of that act and of the vicious press attacks being made upon the American Legation, and the assurances of Your Excellency's intention that both shall be dealt with according to the rigor of the law. I am only sorry that these assurances did not arrive before it had become necessary to represent to the Government of Cuba the extreme gravity of this case, which apparently had not at first been realized by the competent officials of Your Excellency's Government. Assured as I now am of your Government's attitude, I can not doubt but that the measures discussed by the Acting Secretary of State with the Cuban Minister at Washington will have the desired result of preventing this disagreeable incident from having even a transient effect upon those feelings of sincere friendship which I am glad to believe continues undiminished between the two countries.

Wm. H. Taft.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Paraphrases.]

File No. 123.G85/52.

American Legation,
Habana, September 6, 1912.

I have just been informed by the Secretary of State that yesterday he appealed to the newspapers of Habana to cease their campaign of abuse and that they all promised to do so. He made it clear that there was no foundation for the attacks on me and that the guilty papers will make a full apology. He asks that these papers be not prosecuted in order to favor return to normal conditions; I replied that the matter was not in my hands but awaited the decision of my Government. Press attacks have practically ceased and the better class of papers are becoming distinctly friendly. The Cuban Government denies to the press that any message has been received from the President.

Gibson.

File No. 123.G35/58.

SEPTEMBER 23, 1912.

The Cuban Secretary of State requests that Bell and I reply to written interrogatories to be sent the Legation from the Audiencia. I request that authorization be granted.

GIBSON.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 25, 1912.

Your September 23. Authority granted.

WILSON.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, October 8, 1912.

Though not yet officially informed, I learn that Maza was sentenced yesterday to two years and six months imprisonment. The prosecution had asked for four years and two months.

GIBSON.

File No. 123.G35/67a.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 12, 1912.

The Department will give the following to the press to-morrow:

> In consideration of his several hard years of service in Honduras, in the Department of State, and at Habana, it was the intention of the Department to transfer Mr. Hugh S. Gibson, now Secretary of Legation at Habana, to be Secretary of Legation at Brussels. But owing to Mr. Gibson's special familiarity with American interests in Cuba, the President has directed that he be retained at Habana.

WILSON.

PROPOSAL OF FRANCE, GERMANY AND GREAT BRITAIN TO ARBITRATE WITH CUBA CERTAIN INSURRECTIONARY CLAIMS OF THEIR NATIONALS, ARISING PRIOR TO 1898.

File No. 437.00/24.

The American Minister to the Secretary of State.

[Extract.]

No. 86.]

AMERICAN LEGATION,
Habana, January 30, 1912.

SIR: Referring to previous correspondence[1] in regard to the so-called Cuban "insurrectionary claims," I have the honor to report that the question is apparently receiving serious attention from the Cuban Government.

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[1] For. Rel. 1911, p. 126.

I understand that in the course of a day or two President Gómez is to begin a series of conferences with members of the various interested committees of the Cuban Congress, with his Cabinet, and with leaders of different political parties and factions. * * *

I have [etc.]

A. M. BEAUPRÉ.

File No. 437.00/25.

No. 90.] HABANA, *January 30, 1912.*

SIR: I have the honor to report that since writing my No. 86 of to-day's date, I have received a personal note[1] from my French colleague (copy and translation inclosed) requesting me to inform the Cuban Government that "the United States consider arbitration as the only way" to settle the question of the so-called "insurrectionary claims."

I also enclose copy of my reply[1] to the note above mentioned, stating that I was unable to find among the Department's instructions anything which would warrant me in taking the action desired by the French Minister.

During the recent visit of Monsieur Jusserand to Habana he also broached the subject and requested that I support the British, French and German Ministers in their request for the arbitration of these claims. He informed me that the Department had instructed Mr. Jackson[2] to make it clear to the Cuban Government that the American Government would be obliged to support any demand of the three interested powers for the arbitration of these claims. I have been unable to find any such instruction in the files of the legation.

I shall bear in mind, however, should occasion arise, the Department's telegram of June 8 [1911][3] concerning its position on this question.

I have [etc.]

A. M. BEAUPRÉ.

File No. 437.00/27.

The American Minister to the Secretary of State.

[Extract.]

No. 104.] AMERICAN LEGATION,
Habana, February 12, 1912.

SIR: Referring to previous correspondence [etc.] I have the honor to enclose herewith copy and translation of a long personal note on the subject, which I received yesterday from Sr. Sanguily. I also enclose copy of my reply of today's date. * * *

In case the Department desires me to comply with Sr. Sanguily's request for cooperation, I venture to urge that I be given specific instructions as to the character and extent of the action to be taken by me, and particularly as to how far I should go in advising this

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[1] Not printed.

[2] The American Minister.

[3] For. Rel. 1911, p. 126.

Government in regard to the essential questions now being considered: whether or not it shall accede to the demand of the three powers that the claims be submitted to arbitration.

I may add that the representatives of the three interested powers are insistently pressing for an early decision and that their notes on the subject are couched in peremptory and impatient terms.

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure 1.—Translation.—Extract.]

Personal letter from the Cuban Secretary of State to the American Minister.

HABANA, *February 9, 1912.*

MY DEAR MR. MINISTER: Only because reluctant to detain you I did not draw your attention this morning to a matter of great importance to this country; but now I have decided to consult you in the hope that, if there is no objection, you will assist me either with your valued counsel or in any other way, for I am confident that in any event your cooperation will be very effective, not to say decisive.

You will no doubt have heard through the noisy press of Habana * * * about the commotion among men of influence and nearly the entire Congress, brought about by the well-known matter of the claims of France, England and Germany against Cuba on behalf of subjects of those nations for damages which they allege to have suffered during the war of 1895–98. As far back as 1903 the representatives of these nations began steps to procure from Cuba money indemnities on the strength of those claims, which implied that in their judgment Cuba was under obligation to pay them. Various notes upon this point were exchanged between the respective representatives and the Department of State in which reasons were adduced on both sides. The controversy remained in suspense throughout the period of the second intervention of the United States, but it was renewed in 1910, and since then as before we have, naturally, invariably maintained both orally and in writing the illegality and impropriety of the demands.

In this connection it is to be noted that now, as from the beginning, the situation is an anomalous one in that the aliens who claim to have suffered damages did not apply to the Cuban authorities to enforce their supposed rights, but from the beginning leaned upon their respective Governments and, disregarding such means and recourses as might be open to them through our laws and courts, have intrenched themselves in the diplomacy of powerful nations, while Cubans who, like those aliens, suffered damages in the war have not been indemnified and, even if they had filed claims therefor, would lack the enormous advantage which those aliens have procured through their appeal to diplomacy.

Prior to the "August Revolution" (1906) the official representatives of the three powers acted—although in mutual accord, as was natural in view of their identity of purpose—*severally;* but from 1910 on they have been acting *jointly.* On April 19, 1910, the diplomatic representatives of Germany, England and France came in a body to the Department, the French representative acting as spokesman. He told me that they had already waited too long for the decision of the Cuban Government in respect of the claims filed as far back as 1903, and that if those claims should not receive proper attention they would be compelled to follow instructions which the three had received of identical tenor, which would surely result greatly to the prejudice of the Republic. Wherefore, confident that they would be heard and heeded, they had agreed to suspend the execution of those instructions, principally "out of personal consideration for the Secretary of State", because they expected that through him the matter would be settled without great delay and in conformity with what they considered to be justice, that is (I suppose) in conformity with the demands of claimants. The representative of Germany added emphatically that the powers which the three ministers represented would no longer tolerate Cuban opposition to their demands with "un fin de non recevoir".

As the situation had become clouded and aggravated for my country, and as I continued, like my predecessors in this Department, to regard the claims as unfounded and illegal, I endeavored to protract the matter in spite of their more or less veiled threats.

Fortunately, in November, 1910, the President of the Republic honored me, together with General Monteagudo, with a commission to pay his respects to the President of the United States upon his arrival at Guantánamo Bay. And here, my dear Mr. Minister, I must be perfectly frank and explicit with you, for from that visit has been derived everything that happened later in connection with the foreign claims, and the little that then transpired is in my judgment the explanation and also, as I contend, the justification of my attitude and of the course which from that time on the negotiations took.

It seemed to me both expedient and necessary to inform the President of the United States that there were European claims pending against Cuba, and I even believed it to be my duty to warn him as discreetly as I knew how that the new phase in which these claims were brought to our consideration was disquieting for Cuba on account of certain threats which the three ministers had conveyed, as above stated.

I gathered the impression that the President of the United States thought that in this matter right was not on the side of the claimants. The President told me that he would take up the matter with Secretary Knox, and I even think that I understood him to say that the result of his conference with Secretary Knox would be made known to me through the Minister of the United States at Habana.

After some time had elapsed without my receiving any word from Washington, I orally requested Mr. Jackson to ask that I be made acquainted with the all-important views of the American Government. Mr. Jackson promised me to convey my request by the means at his disposal; but time flew on and I was at a loss to find an effective and decorous means of protracting the business. To this end I had a few interviews with the European ministers, at times jointly and at other times individually; I offered to commit the examination of the claims, from the point of view discussed by both parties, to some competent jurist; and I went so far as to indicate to them the probability that pursuant of the First Transient Provision of our Constitution[1] I should recommend to the President of the Republic that he place the matter in the hands of the Congress for examination and final action.

But, as the summer drew on and the foreign ministers began to leave the country, it seemed to me profitable and prudent to consult certain influential persons competent to deal with the question by reason of their knowledge and experience in public life; and while conferring with them on the 9th of June last year I was told that the Minister of the United States had arrived and was awaiting me in the next room. I interrupted the interview immediately, begging the gentlemen present to wait for me a little while, because I wished to receive the minister at once. The minister had in his hand and showed me a paper containing the substance of a telegram which he had just received from his Government.[2] In that telegram he was informed that the Ambassadors of France, England and Germany, having complained to the American Government of the tardiness of Cuba in respect of the claims which had on behalf of their subjects been filed since 1903, the Secretary of State, or perhaps the President himself (I do not now recall the exact terms of the instruction which Mr. Jackson allowed me to read), had *begged* them not to bring pressure to bear upon this Republic, in view of the possible effect upon Cuban finances; but at the same time he advised us to endeavor to settle the pending conflict by arbitration, not only for our own convenience but because that method was in harmony with the ideas and policy of the United States. I cannot after so many months vouch for the accuracy of my memory in respect of the ideas expressed in that instruction, which I read but once in the memorandum; for although I asked him to leave the memorandum with me Mr. Jackson declined (courteously, as always) to do so, on the ground that I had dealt with him thus far only orally and he could consequently go no further than to allow me to read his instructions; but he nevertheless authorized me to communicate them to the gentlemen in the next room.

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[1] "Primera Disposición Transitoria," as follows [translation]: The Republic of Cuba does not recognize any other debts or obligations than those legitimately contracted in favor of the Revolution by commanders of bodies of the liberating army subsequent to the 24th day of February, 1895, and prior to the 19th of September of the same year, on which date the Jimaguayú Constitution was promulgated; and the debts and obligations contracted afterward by the Revolutionary Government, either by itself or through its legitimate representatives in foreign countries. Congress shall examine said debts and obligations and decide upon the payment of those which are found legitimate. (Rodriguez. American Constitutions, vol. 2, p. 145.)

[2] For. Rel. 1911, pp. 126–127.

I did so, and the general agreement was that we should not now hesitate to accept arbitration; and it is noteworthy that on July 3 the Legations of France, Germany and England should have presented to this Department a note verbale proposing "the institution of a tribunal of arbitration or a special international commission" to examine the claims of their subjects and pass upon their admissibility and amount.

In view of the foregoing—the impression which I gathered from the President of the United States that it was his belief that Cuba was not under obligation to answer for damages suffered by foreigners during the war of independence; the recommendation contained in Mr. Jackson's memorandum; and the almost unanimous opinion expressed in consequence thereof by the gentlemen assembled in this Department on June 9, 1911—I became persuaded that if I resorted to arbitration no one could offer better guaranties for Cuba than the President of the United States himself. And accordingly, on the same day on which I received the note of the powers proposing the institution of a tribunal or commission, I sent cable instructions to our Minister at Washington to inquire whether President Taft would consent to act as arbitrator[1]; and the Minister replied July 6 that the President would consent if the claimant Governments should jointly with that of Cuba submit the question to his arbitrament.[2] As I did not even suspect that the powers would refuse this solution, I addressed them a note on July 10 accepting *in principle* the proposition of arbitration, but requesting them at the same time to accept the idea of appointing as arbitrator the Honorable William H. Taft, President of the United States. Contrary to what I had anticipated, on August 9 they handed me a collective note stating that the Republic would be notified later of the proposals of the powers regarding the organization of the arbitration; and at the same time they told me orally that the Governments in interest, "by reason of the importance of the decision", thought that "arbitration should be confided to a commission in which the powers were represented" and that therefore they "could not think of committing the question to a single arbitrator however great his high authority".

To that note, as also to the oral statement, I replied on August 12 that as the powers had indicated that they would propose the organization of the arbitration when I in my note had reserved the determination of the points to be arbitrated, and as the powers had likewise rejected my other proposal to commit the matter to a single arbitrator, I regarded it as my duty to say that the Government of the Republic considered itself free from the obligation which they attributed to it and which might have been based upon its acceptance in principle of the proposal for arbitration. But as the French Chargé d'Affaires asked me to await, before making public this statement, the amplification which they would make in regard to this question, in order to please him I waited until I received some time later[3] a memorandum in which the powers jointly submitted to the consideration of the Cuban Government detailed proposals for proceeding by arbitration to the settlement of the pending claims.

In the meantime I learned that the President of the United States declined the office of arbitrator which had been proffered him.[4] I do not now exactly recall through what channel this information reached me, but I am sure that it was alleged that the reason for the declination was the fear of the President of the United States to arbitrate a case in which he might have to act in the dual capacity of judge and party, because among the claimants for damages suffered during the Cuban revolution some American citizens might appear. And here I wish to say that if I greatly regretted that the President of the United States should, in our then very serious situation, excuse himself, it caused me far greater surprise to learn that the reason invoked was the possibility that American citizens might, like the Europeans, bring claims against Cuba for damages suffered during the war of 1895, when it is clear and conclusive that, without reference to the cause of damages—as shown by the protocols of the Paris conferences[5]—the United States undertook and bound itself to answer for the claims of American citizens and to pay such as should be proved just and proper.

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[1] For. Rel. 1911, p. 127.

[2] For. Rel. 1911, p. 130.

[3] November 7, 1911.

[4] For. Rel. 1911, p. 129.

[5] The Treaty of Peace between the United States and Spain in 1898, Article VII. See Malloy's Treaties, p. 1692.

Following the receipt of the collective memorandum to which I have just referred, I had several conferences with capable and learned men both in my office and in the Senate; and as the number of the conferees was small and all of them did not concur in submitting the question to arbitration, I proposed to the President of the Republic that he should convene in the Palace a larger number, chosen from among the various committees of Congress and lawyers and politicians of repute. This conference, attended by over fifty men so chosen, took place on the 30th of last month, although unfortunately without any practical outcome whatever. * * * Notwithstanding the danger and delicacy of our situation opinion is divided; some think that we should resolutely embrace arbitration while others oppose this procedure. * * * On the one hand difficulties appear and dangers arise; on the other hand the First Transient Provision of the Constitution, if not debarring aliens from pressing their claims, prevents the Cuban Government from taking any attitude contrary to its precepts; for which reasons I would not even venture to advise the President of the Republic to take any action that, with the dissent of the people, might be productive of far-reaching liabilities.

In a situation which I can well say is embarrassing, I appeal to you, for I am sure that if at any time the United States can, in protection of justice, mediate between strong nations and a weak people which is its grateful and loyal friend, now is the time when it would be most appropriate and necessary. I believe that if the Platt Amendment and the treaty in which it was embodied give the United States the right to intervene in our country in certain circumstances, those instruments likewise particularly impose upon it the obligation to defend us when those who are stronger than us menace us for reasons that are opinionable and debatable. Will you permit me to remark that inasmuch as the moral authority of the United States in respect of Cuba—which is so great in the eyes of every country in the world—can be exercised in cases that heap humiliation on us, it should in just compensation be exercised above all when, as now, the occasion offers to do it to our benefit and for our guaranty?

I have [etc.]

MANUEL SANGUILY.

[Inclosure 2.]

The American Minister to the Cuban Secretary of State.

AMERICAN LEGATION,
Habana, February 12, 1912.

DEAR MR. SECRETARY: Your note of the 9th instant inspires me with the deepest respect for you personally and with a full appreciation of the difficulties and perplexities that you are meeting in the great work that you are doing for your country. I need only reiterate now what I have said to you orally on other occasions: that to the full extent of my ability and consistent with my official obligations and duties, it will give me the keenest pleasure to render you such assistance and service as I may.

In the matter of the foreign claims, however, I feel that I am not warranted in taking any action without the previous knowledge and consent of my Government. I am therefore hastening to communicate to my Government the contents of your note and will, immediately upon receipt of my instructions, inform you whether I can take such action as you desire.

I am confident that you will readily realize that my course in this matter as above indicated is prompted by no lack of willingness on my part to be of service to you, but rather by a desire to act in the only really efficacious manner, that is, with the full support of my Government.

Thanking you [etc.]

A. M. BEAUPRÉ.

File No. 437.00/32.

The American Minister to the Secretary of State.

No. 138.]

AMERICAN LEGATION,
Habana, March 5, 1912.

SIR: Referring to previous correspondence in regard to the so-called "insurrectionary claims" against Cuba, and particularly to my despatch No. 104 of the 12th ultimo, I have the honor to transmit herewith enclosed copy and translation of a personal note and enclosure received from Sr. Sanguily, wherein he informs me as to the more recent developments in his negotiations with the representatives of the three interested powers.

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure.—Translation.]

The Cuban Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Habana, March 4, 1912.

MY DEAR MR. MINISTER: As it seems to me but natural and appropriate, after my letter of February 9, that I should not leave you in ignorance of the course of the insurrectionary claims, and especially what has transpired since then, I beg to advise you that on the 22d ultimo, as published in the newspapers, the Ministers of Germany, England and France came to the Department to ask me for the reply of the Cuban Government to the proposal contained in the memorandum which they handed me on November 7, 1911, in which they submitted that the matter of the claims of their subjects should be settled by arbitration.

Animated by the same purpose of putting off a definite reply that I have heretofore had to pursue for reasons explained to you in my former letter, I offered certain arguments and exceptions, and as they asked me to reduce them to writing in the form of a memorandum which I had written the day before and now have the honor to transmit to you, confidentially, so that you may be acquainted as to what point we have arrived in this difficult situation.

With assurances [etc.]

MANUEL SANGUILY.

[Sub-inclosure.—Memorandum.—Translation.]

The Cuban Secretary of State to the Ministers of France, Germany and Great Britain.

The Secretary of State of the Republic of Cuba has the honor to submit to the consideration of T. E. the Ministers of Germany, France and England a few remarks in respect to the memorandum that they handed to him on November 7, 1911, which embodies the point of view of the Cuban Government upon the subject of the claims filed by citizens of those nations for damages which they allege to have suffered in their interests or property during the war for independence of 1895–98.

The Government of the Republic does not reject *in principle* now, as it has not previously rejected, the appeal to arbitration; but it reiterates, on the contrary, its adherence to the principle of settling international disputes by that means. Unequivocal proofs of this are to be found in the Hague Convention of October 18, 1907, signed by Cuba's delegates and approved by the Senate on March 10, 1909, and in the Convention of Rio Janeiro of August 13, 1906, approved and ratified during a recess of the Senate by the Provisional Governor on March 17, 1908. And the Secretary of State, speaking in its name, and for the very reason that an attempt has been made to make it appear to the contrary to the damage and discredit of Cuba, hastens to declare that the Republic stands ready now and always to pay what it legitimately owes and is proved to owe beyond any shadow of doubt.

From data communicated to the Department of State it would appear that the claims—which, though improperly, have also been called "debts"—are of three classes, to wit:

1. Those alleged to be obligations based on documents signed by corps commanders and by the General-in-Chief of the Army of Liberation, for sums received on various grounds for the Revolution.

2. Damage caused to the property of French, English and German subjects, attributed to revolutionary forces, which must surely be supported also by documentary evidence.

3. *Robberies*—so they are called in some of the claims—for which it is sought to attach responsibility to the revolutionary forces and consequently to the Government of the Republic.

With respect to the first two classes of claims the Secretary of State, voicing not only his personal conviction and the contention repeatedly maintained by the Government of the Republic but the general public opinion of Cuba as well, begs to invite the Ministers' attention to the following points:

1. That claims supported by documents signed by generals and corps commanders of the Army of Liberation, or arising from proved obligations contracted by the Revolutionary Government or lawfully in its name, ought not and can not be submitted to arbitration; because, coming as they do within the terms of the First Transient Provision of the Constitution, they must as therein prescribed be passed upon by the Cuban Congress, which, if it finds them correct and legitimate, will order their payment; and as the Constitution provides a simple and easy procedure for the purpose it would be inappropriate to resort to arbitration, which in any case is a costly expedient and in this case is wholly unnecessary, for it would be sufficient for each claimant personally or each legation in the name of its nationals to apply to Congress through the Executive by petition for the consideration of the claims by that body and payment in a proper case, transmitting with their claims the documentary evidence upon which they are based.

2. That in respect of claims for damages caused to property by military necessity, inasmuch as there is a radical discrepancy of opinion between the Governments of Germany, England and France on one side and the Cuban Government on the other, the proposal to submit them to arbitration would, in the absence of any other means of settling them diplomatically, be considered by the Cuban Government. But it must be borne in mind that in order to resort to this means of settlement it would first be necessary to apply to Congress for authorization in such form as it might deem appropriate, in accordance with the said First Transient Provision of the Constitution, which limits the powers of the Executive in respect to obligations contracted by authorities and agents of the Revolution in the circumstances and under the conditions prescribed by that provision; and because Congress alone can, if the application is approved, make the necessary appropriation for the expenses of the arbitration.

In respect of the other claims, included in the third class under the head of "robberies," the Secretary of State considers them inadmissible because the present Republic of Cuba having become, according to the reasoning of the claimant powers, identified with the Revolution of 1895, if for no other reason than the respect which the Revolution inspires in the Cuban Government, and its own decorum, it cannot possibly accept on any ground the name of thieves for the soldiers of the Army of Liberation, nor responsibility for deeds which, if committed, were isolated and individual and imputable solely to malefactors.

The Secretary of State has stipulated that these remarks shall not be regarded as counterpropositions but merely as observations and points of view, although they might be reduced to counterpropositions later if accepted as the bases for an agreement by the claimant powers, as the Secretary hoped; for what to him was most important was to arrive promptly at some practicable and easy solution or arrangement in harmony with the good relations which happily exist between the several Governments concerned and that of the Republic of Cuba.

Department of State,
Habana, February 28, 1912.

File No. 437.00/34.

The Acting Secretary of State to the American Minister.

No. 60.]

Department of State,
Washington, April 6, 1912.

Sir: The Department acknowledges the receipt of your No. 104 of February 12 regarding the so-called insurrectionary claims against

Cuba, enclosing a copy of a personal note addressed to you by Señor Sanguily. This note has been read with special interest by the Department, which has noted particularly the statement therein contained of Señor Sanguily's recollection of what transpired at the interview he had during the recent visit of the President of the United States to Guantánamo. The passage of the note referring to this matter was transcribed to the President who was requested to inform the Department whether the report of the conversation at Guantánamo touching the matter of the revolutionary claims was accurate. The President replied to this request of the Department in a letter dated March 14, a copy of which is inclosed for the information of the Legation. It should be added that a copy of this letter of the President is also going in this mail to the Secretary for his consideration should he have the opportunity to take up personally with the Cuban Government the matter of the outstanding claims against Cuba during his visit to Habana.

I am [etc.]

HUNTINGTON WILSON.

[Inclosure.]

The Presdent to the Acting Secretary of State.

THE WHITE HOUSE,
Washington, March 14, 1912.

MY DEAR MR. WILSON: I have Mr. Adee's letter of March 12[1] in reference to my conversation with Mr. Sanguily, the Secretary of State of Cuba. His statement is true as he has given it. I expressed the opinion that the claims of which he told me were so great in amount as really to swamp the Cuban Government, and that my impression was that the decisions of the Court of Spanish Claims in Washington would furnish a good defense to most of them, but that I would take the matter up with Secretary Knox at a later stage.

Mr. Sanguily says that I said that the result of my conference with Mr. Knox would be made known to him. My recollection is that I suggested that he present the matter.

Sincerely yours,

WM. H. TAFT.

File No. 437.00/38.

The Acting Secretary of State to the American Minister.

No. 102.]

DEPARTMENT OF STATE,
Washington, June 24, 1912.

SIR: Referring to previous correspondence [etc.] you are informed that some days ago the French Ambassador called at the Department requesting that this Government suggest to the Government of Cuba the desirability of arbitrating the fundamental question as to the liability of the Cuban Government in this respect.

For your information the Department encloses a copy of a memorandum of the conversation which took place between the Secretary and the French Ambassador, wherein the Secretary promised the Ambassador to advise Cuba that it was the view of this Government that the fundamental question should be arbitrated, and that he would inform Mr. Sanguily what the Ambassador had said in favor of arbitrating at The Hague.

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[1] Not printed.

You are instructed to convey the substance of the entire memorandum of conversation to the Minister for Foreign Affairs and to report to the Department the result of this action.

I am [etc.]

HUNTINGTON WILSON.

[Inclosure.—Memorandum.]

My conversation with the French Ambassador about the arbitration of the English, French and German claims against Cuba for damages arising during the Cuban insurrection was this:

I told him that this Government's opinion had been asked by the Cuban Government as to whether the Cuban Government should agree to submit these claims to arbitration. I told the Ambassador that this Government would advise the Cuban Government to arbitrate the fundamental question as to whether under the rules of international law Cuba was responsible for the damages that occurred during the revolution, under the peculiar circumstances surrounding the birth of the Cuban Republic, and that I had intimated to Mr. Sanguily in Habana that that was a question which should be arbitrated. I told the Ambassador that Mr. Sanguily had said that if they were willing to arbitrate that question they would not want to take it to The Hague because while he himself did not share the opinion, yet it was undoubtedly the opinion of the majority of the Cuban people that France, Germany and Great Britain would stand a better chance in the Hague Court than Cuba, and besides Mr. Sanguily said the expenses of an arbitration at the Hague were so great he, Sanguily, thought it would be better if the question were arbitrated to submit it to some distinguished jurist or jurists who might be agreed upon.

The Ambassador replied that he believed that Cuba would stand even a better chance at The Hague than the European powers and asked me to say so to Mr. Sanguily. My promise to the Ambassador was that I would advise Cuba that it was the view of this Government that the fundamental question should be arbitrated and would state to Mr. Sanguily what he, the Ambassador, had said in favor of arbitration at The Hague.

File No. 437.00/39.

The American Minister to the Secretary of State.

No. 319.]

AMERICAN LEGATION,
Habana, July 1, 1912.

SIR: I have the honor to acknowledge receipt of the Department's instruction No. 102 of June 24, directing me to convey to the Cuban Secretary of State the substance of a memorandum of a conversation between the Secretary of State and the French Ambassador in Washington.

In compliance with this instruction, I have today transmitted to the Cuban Government a note, copy of which I have the honor to transmit herewith, giving what appears to be the substance of the memorandum in question.

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure.]

The American Minister to the Cuban Secretary of State.

No. 291.]

AMERICAN LEGATION,
Habana, July 1, 1912.

MY DEAR MR. SECRETARY: Referring to previous correspondence in regard to the so called "insurrectionary claims" against Cuba for damages to British, French and German citizens during the last Cuban war of independence, I beg to inform you that the French Ambassador in Washington recently called upon Secretary Knox to request that he suggest to the Cuban Government the desirability of arbitrating the fundamental question as to the liability of the Cuban Government in regard to these claims.

Secretary Knox informed the Ambassador that you had asked his opinion as to whether the Cuban Government should agree to submit these claims to arbitration. He added that he would advise the Cuban Government to arbitrate the fundamental question as to whether, under the rules of international law, Cuba was responsible for the damages suffered during the revolution, under the peculiar circumstances surrounding the birth of the Cuban Republic, and that he had intimated to you during his recent visit to Habana that this was a question which should be arbitrated. He told the Ambassador that you had informed him that if the Cuban Government were willing to arbitrate the question it would not wish to take it to The Hague because, while you yourself did not share the opinion, yet it was undoubtedly the view of the majority of the Cuban people that France, Germany and Great Britain would stand a better chance before The Hague court than Cuba; and that you had also said that the expense of an arbitration at The Hague was so great that you thought it would be better, if the question were to be arbitrated, to submit it to some distinguished jurist or jurists who might be agreed upon.

The Ambassador replied that it was his belief that Cuba would stand even a better chance at The Hague than the European powers, and requested that the Secretary so inform you. The promise of Secretary Knox to the Ambassador was that he would advise the Cuban Government that in the opinion of the American Government the fundamental question at issue should be arbitrated and that he would communicate to you what the Ambassador had said in favor of arbitration at The Hague.

I am [etc.]

A. M. BEAUPRÉ.

File No. 437.00/40.

The American Minister to the Secretary of State.

[Extract.]

No. 355.]

AMERICAN LEGATION,
Habana, July 12, 1912.

SIR: Referring to previous correspondence in regard to the so-called insurrectionary claims against the Cuban Government and particularly to the Department's instruction No. 102 of the 24th ultimo, I have the honor to transmit herewith enclosed copy and translation of a note received from the Cuban Secretary of State in reply to my communication to him based upon the Department's instruction last mentioned. Copy of my note to Mr. Sanguily was transmitted with my despatch No. 319, of the first instant. * * *

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure—Translation.]

The Cuban Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Habana July 9, 1912.

MY DEAR MR. MINISTER: I have the honor to acknowledge receipt of your note of the first instant, in which your excellency was good enough to inform me concerning the recent call of the French Ambassador at Washington upon the

Secretary of State, Mr. Knox, in which he asked that the latter should suggest to the Cuban Government that it was highly desirably to settle by arbitration the fundamental question as to whether or not the Republic of Cuba is responsible for the damages which English, French and German subjects claim to have suffered during the War of Independence of 1895–1898; and in which at the same time your excellency is good enough to communicate to me the opinion or advice of the Secretary of State of the United States as regards the attitude and conduct which should be assumed and followed by the Cuban Government.

From what I am able to deduce from your excellency's note, Mr. Knox explained to the French Ambassador practically all that was of material interest in the interview which I had the honor to have with him on April 13 last in the Hotel Telégrafo in Habana; although I fear that, surely because I did not express myself well at that time or did not exactly understand what was said in that interview of April 13, there has arisen some misunderstanding; for at least it does not seem that I remember that, instead of arbitration, I suggested to Mr. Knox the advantage of submitting the matter in dispute to one or more distinguished jurists whose designation could be decided by agreement; unless my memory is faulty, it was Mr. Knox who, in reply to the observation that an arbitration at The Hague would be exceedingly costly, suggested the idea of the possibility of resorting to a commission; I still remember although very vaguely some observation which I then made relative to the difficulties which might be found in such a course in the Cuban Congress, as it might not be in accord with the stipulations of the first Transient Provision of our Constitution.

After all, this doubt as to a mere incident has no importance especially, as in the interview with Mr. Knox it does not appear that the French Ambassador gave his assent or indicated his acquiesence in any form of settlement which was not that of an arbitration at The Hague.

The Secretary of State very opportunely remembered and brought to the knowledge of the French Ambassador the apprehension and the fears of Cuba in regard to an arbitration at The Hague that such an arbitration might be more favorable to the powers than to Cuba. As stated in your excellency's note, "the ambassador replied that it was his belief that Cuba would stand even a better chance at The Hague than the European Powers," and requested the Secretary of State so to inform me. There are few among those unknown to him who esteem and admire as I do the illustrious Ambassador of France in Washington; but in this concrete case it is only right to state that his belief has no more foundation that our fears; both are simple impressions derived from anticipatory hypothetical judgments; and so far is this true that if there were a better foundation for the statements of the French Ambassador than for what I declared to be our fears, it is logical and natural to believe that the French Ambassador would not recommend resorting to an arbitration at The Hague as, in his opinion, the Cubans would have a better chance than the powers; that is to say, that Cuba would have a better chance of success.

Be that as it may, it appears from the text of your excellency's note that Mr. Knox, as I take it, has designed to give us advice or rather a simple suggestion; and your excellency will remember that in the interview of April 13 already mentioned, when I explained to the Secretary of State the diversity and conflict of public opinion in Cuba concerning the European claims, I stated very frankly to him that the only thing which to my mind would unite public opinion and would relieve the Cuban Government of embarrassment in its future conduct would be a frank and resolute declaration from the Government of the United States which I should be authorized to publish; and as I have no right to believe from anything in your excellency's note that this latter step has been taken, I consider it my duty to continue to resist as strongly as possible and by all the means in my power what I consider illegitimate European pretensions; for I am convinced, Mr. Minister, that the Republic of Cuba, because of the historical conditions which produced it, is not and should not be considered responsible for the damages inflicted upon foreigners by the Cuban revolutionists during the domination and rule of Spain and that consequently Cuba cannot and should not be obliged by any one to pay damages and losses which, in justice and reason, are not and cannot be chargeable to her.

I remain [etc.]

MANUEL SANGUILY.

File No. 437.00/40.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 138.]

DEPARTMENT OF STATE,
Washington, September 16, 1912.

SIR: The Department has received the Minister's No. 335 of July 12 last, regarding the question of the arbitration of the so-called "insurrectionary claims" against the Cuban Government.

You are instructed to address a note to the Secretary of State of Cuba in reply to his note to the Legation of July 9, 1912, and say that "In view of the insistence with which the matter is being urged upon the attention of the Cuban Government, it is the conviction of the Government of the United States that the fundamental question which has arisen between Cuba and certain European nations as to the liability of Cuba for damages arising out of acts of the Cuban forces during the war of independence from 1895 to 1898, is of such a nature and gravity that it should forthwith be submitted for determination and settlement to the decision of an impartial international tribunal of arbitration, and that the Government of the United States trusts that this method of solution will be employed by the Governments concerned.

"Deeply interested in the welfare of Cuba and in any and all obligations which may be imposed upon the Cuban people, the Government of the United States will be glad to lend to the Government of Cuba all proper assistance not only in the matter of framing the protocol under which the questions involved in this controversy shall be submitted to arbitration but also in the matter of conducting later the actual proceedings before the tribunal."

I am [etc.]

HUNTINGTON WILSON.

File No. 437.00/42.

The American Chargé d'Affaires to the Secretary of State.

No. 442.]

AMERICAN LEGATION,
Habana, September 26, 1912.

SIR: Referring to the Department's instruction N° 138 of the 16th instant, in regard to the so-called "insurrectionary claims" against the Cuban Government, I have the honor to enclose herewith copy of a note which, as directed in that instruction, I addressed to the Cuban Secretary of State on the 24th instant, together with copy and translation of Mr. Sanguily's reply of today's date.

Mr. Sanguily expresses the belief that Cuba could hardly proceed forthwith to arrange for the arbitration of the question at issue because, in the first place, the powers concerned have not yet replied to certain counter-propositions made by his Government, and because, in the second place, the presidential election is to be held a month hence at which a new Government (possibly of a different party) will be chosen, and "reasons of delicacy, fairness and propriety" would seem to make it desirable to defer action in the sense indicated by the Department.

The Department's attention is respectfully invited to Mr. Sanguily's concluding request for authorization to make public our indication as to the appropriateness and desirability of submitting these claims to arbitration.

I have [etc.]

HUGH S. GIBSON.

[Inclosure 1.]

The American Chargé d'Affaires to the Cuban Secretary of State.

No. 366.]

AMERICAN LEGATION,
Habana, September 24, 1912.

YOUR EXCELLENCY: Referring to your excellency's esteemed note of July 9, 1912, in regard to the so-called "insurrectionary claims" against the Government of Cuba, I have the honor, in pursuance of instructions received from my Government, to say that in view of the insistence with which the matter in being urged upon the attention of the Cuban Government, it is the conviction of the Government of the United States that the fundamental question which has arisen between Cuba and certain European nations as to the liability of Cuba for damages arising out of acts of the Cuban forces during the war of independence from 1895 to 1898 is of such a nature and gravity that it should forthwith be submitted for determination and settlement to the decision of an impartial international tribunal of arbitration, and that the Government of the United States trusts that this method of solution will be employed by the Governments concerned.

Deeply interested in the welfare of Cuba and in any and all obligations which may be imposed upon the Cuban people, the Government of the United States will be glad to lend to the Government of Cuba all proper assistance not only in the matter of framing the protocol under which the questions involved in the controversy shall be submitted to arbitration, but also in the matter of conducting later the actual proceedings before the tribunal.

I avail [etc.]

HUGH S. GIBSON.

[Inclosure 2—Translation.]

The Cuban Secretary of State to the American Chargé d'Affaires.

No. 1201.]

DEPARTMENT OF STATE,
Habana, September 26, 1912.

Mr. CHARGÉ D'AFFAIRES: I have the honor to acknowledge the receipt of your esteemed note N° 366 of the 24th instant relative to instructions received from your Government and kindly transmitted to me, in regard to the claims of European nations against the Government of Cuba for damages arising during the war of independence from 1895 to 1898, as alleged by their respective subjects, which your Government considers of such a nature and gravity that in its judgment they should be submitted forthwith to the decision of an international tribunal of arbitration, a method of solution which your Government trusts will be adopted both by Cuba and the Governments concerned. Those Governments had since 1911 expressed to the Cuban Government their desire and purpose to have recourse to arbitration in order to settle the question involved in all its aspects.

So far as the Government of Cuba is concerned, it could hardly proceed forthwith in this matter. In the first place, because the powers in question have not yet answered the memorandum which on behalf of the Cuban Government I had the honor to hand to their representatives on February 28 of the current year making certain observations in regard to the contents of the memorandum which they had handed to me on November 7 last year; and because moreover this Government awaits a reply to a note sent them on the 7th instant, and acknowledged by them on the 9th, in which, referring to the Cuban memorandum of February 28th, they were offered, with a request for an expression of their views, an easy and expeditious method of presenting the claims, and procuring settlement of those found to be just and substantiated in accordance with the First Transient Provision of our Constitution.

And, in the second place, because, as general elections are to be held about a month hence—in which the party at present in power may be returned or the opposition may be chosen—reasons of delicacy, fairness and propriety seem to make it incumbent upon the present Government of Cuba to maintain an attitude of prudent reserve rather than to precipitate negotiations that perhaps might not be agreeable to the new Government soon to succeed it, which, as all things are possible, might be the opponent of the party which now shoulders the responsibility of power in Cuba.

But whichever of the two parties will be called upon ultimately to decide the question, it will doubtless appreciate with equal sincerity the offer which you so kindly make on behalf of your Government in the contingency that arbitration is agreed to and put into practice by the Governments concerned; although when the time comes it would be but natural that we should endeavor to relieve the Government of the United States of all trouble and any sort of responsibility, direct or indirect.

I do wish, however, that the Government of the United States would authorize the Cuban Government, if—as I assume—there is no objection thereto, to make public the intimation conveyed in your note under acknowledgment that the Government of the United States considers it indispensable and appropriate that Cuba should arrange with the three claimant powers an arbitrament before an international tribunal for the impartial determination and settlement of the question at issue, in all its aspects and particularly in fundamental part; for the Government of the United States will recall that I made the same request of His Excellency Mr. Knox, Secretary of State of the American Government, on the occasion of a conference held on the 13th of April last at the Hotel Telégrafo in this city, for reasons and purposes which I then had the honor to state to him.

I renew [etc.]

MANUEL SANGUILY.

File No. 437.00/42.

The Secretary of State to the American Minister.

DEPARTMENT OF STATE,
No. 153.] *Washington, October 21, 1912.*

SIR: The Department has received Mr. Gibson's note No. 442 of the 26th ultimo, inclosing a copy of his note to the Cuban Foreign Office, and a copy of that Office's reply, in the matter of the arbitration of the so-called "insurrectionary claims" against the Cuban Government.

The Department suggests that you advise the Secretary of State of Cuba that, in view of the circumstances mentioned by him in his note, it would seem unwise at this time to make public the expression of this Government's opinion in favor of arbitration of these claims. You may add however that this Government will be glad to reconsider this determination as soon as the matter of submitting the claims to arbitration again becomes urgent.

I am [etc.]

(For Mr. Knox) HUNTINGTON WILSON.

File No. 437.00/43.

The Ambassador of Great Britain to the Secretary of State.[1]

No. 260.]

BRITISH EMBASSY,
Washington, December 20, 1912.

SIR: I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to communicate to you herewith a copy of a joint note and agreement which the representatives of His Majesty's Government and the French and German Government at Havana have addressed to the Cuban Government in regard to the arbitration of the British, French and German outstanding claims against Cuba.

I have [etc.]

JAMES BRYCE.

[Inclosure.—Joint note and draft agreement.—Translations from the French.]

The British, French and German Ministers to Cuba to the Cuban Secretary of State.

The Governments of Germany, France and Great Britain have carefully examined the reply of the Cuban Government under date of Feburary 28, 1912, to their note of November 7, 1911.

As the Cuban Government tentatively accepts arbitration for the settlement of the indemnities claimed by the citizens and subjects of the three countries, the claimant powers have the honor to renew their propositions of November 7, 1911.

Those propositions were to the effect that a court of arbitration should first determine the question whether the Cuban Government is liable for the injuries caused, and, if it is, then that the claims should subsequently be adjusted by a mixed commission sitting in Cuba.

A draft agreement to arbitrate, worked out on this basis, is therefore appended to the present note and submitted to the acceptance of the Cuban Government.

As the first part of the proposed procedure does not involve any examination of individual claims, there appears to be no object in discussing the classification of the claims as suggested by the Cuban Government. It will be permissible for the claimants whose demands appear acceptable to the Cuban Government to adjust them with the latter by all means possible until the court of arbitration provided for in the agreement to arbitrate has settled the question whether Cuba is or is not liable in law for the injuries caused.

After that date all unsettled claims for indemnity will be withdrawn by the interested Governments if the court should decide that the Cuban Government is not liable.

In the contrary event they will be submitted to the mixed commission provided for in article 11.

The Governments of Germany, France and Great Britain desire to remark again that their position is based upon a spirit of sincere conciliation and on the sole desire to terminate the controversy by the means which are the most acceptable to both parties. In signing the agreement to arbitrate proposed to it the Cuban Government does not recognize in advance either the validity or the wellfoundedness of the claims which have been submitted to it. It undertakes solely to have decided by arbitration, in concert with the claimant powers, the question as to whether it is liable or not.

Between the Governments of Germany, France, and Great Britain on the one hand, and the Government of Cuba on the other, a disagreement has arisen as to whether the Republic of Cuba is bound to repair the injuries caused by the

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[1] A similar note was sent on the same date with the same inclosure by the French and the German Ambassadors, file nos. 437.00/44 and 437.00/45 respectively.

Cubans to German, French and British subjects during the war of independence. The dispute has not been settled by diplomatic means.

According to article 38, paragraph 2, of The Hague Convention for the peaceful settlement of international controversies, of October 18, 1907, the said Governments have decided to resort to arbitration in this dispute and have concluded the following Agreement:

Article 1. The question in dispute is the following: Is the Cuban Republic bound to repair the injuries caused by its regular forces or by its irregular forces to German, French or British subjects during the war of independence and before the beginning of the war between Spain and the United States?

Article 2. The parties are the following: The Governments of Germany, France and Great Britain on the one hand, and the Government of Cuba on the other.

Article 3. A court of arbitration, organized as hereinafter described, shall be instructed to render a final decision on the question in dispute (article 1).

Article 4. The court of arbitration shall be composed of three arbitrators chosen from among the members of the permanent court of arbitration of The Hague.

Each party shall choose an arbitrator as soon as possible and within a period not to exceed two months from the date of signature of the present agreement. The two arbitrators thus chosen shall choose an umpire. If within a period of one month from the date upon which they have been notified of their designation they have been unable to agree upon the choice of an umpire, the designation of the latter shall be intrusted to His Majesty the King of Norway.

Article 5. On ---------- the German, French and British Governments shall deliver to the Bureau of the Permanent Court at The Hague sixteen copies of their common argument, and the Cuban Government shall deliver to it twenty-four copies of its argument. The Bureau shall without delay attend to transmitting to the arbitrators and the parties, three copies of both arguments to each arbitrator, four copies of the Cuban argument to each of the three European Governments, and four copies of the argument of the latter Governments to the Cuban Government. Besides, three copies of each argument shall be kept in the Bureau for the files.

On ---------- the parties shall deposit, in the same manner, their counter-arguments and final conclusions.

Article 6. Each party shall deposit in the International Bureau by May 1, 1913, at the latest, the sum of 1000 Dutch florins as an advance for the costs of litigation.

Article 7. The court shall convene at The Hague on ------ and it shall proceed at once to examine the controversy.

Article 8. The parties shall each be represented before the court by a special agent, whose mission it shall be to act as an intermediary between them and the court. These agents shall give such explanations as may be asked of them by the court, and they may offer such arguments as they may deem suitable for the defense of their cause.

Article 9. The arguments of the parties (article 5) and the written decisions of the court will be in French. The members of the court as well as the agents may use the German, French, English or Spanish language in their written or oral communications, at their choice.

Article 10. In all matters not provided for in the present agreement the stipulations of The Hague Convention of October 18, 1907, shall be applicable to the present arbitration.

Article 11. If the court answers the disputed question (article 1) in the affirmative, a mixed commission shall convene in Cuba in order to pass on each of the indemnity claims. It shall comprise a representative for each of the four Governments, and an umpire, who must be the citizen or subject of an uninterested country.

Each claim shall be examined and tried by a subcommission comprising only the representative of Cuba, the representative of the interested nation, and the umpire; so that the umpire and the representative of Cuba will have to pass upon all the claims, and the representative of each of the other powers only on the claims filed by the citizens or subjects of that power.

The sums allowed the claimants by the mixed commission shall be delivered by the Cuban Government to the diplomatic representatives of the interested Governments at Havana, within a period of one year from the date of the decision of the mixed commission, and they shall bear interest at the rate of six per cent per annum from the date of the decision of the court up to that of payment.

Article 12. The two parties shall share in equal moieties the fees and traveling expenses of the arbitrators and of the umpire as provided in article 4, as well as the incidental arbitration expenses contemplated in article 6. The parties shall likewise share by halves the fees and traveling expenses of the umpire as contemplated in article 11.

NAVAL STATION AT GUANTÁNAMO.[1]

File No. 811.34537/77.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, January 23, 1912.

The Guantánamo matter is now before the Senate, and the Secretary of State expects the act to be ready in a few days for signature.

BEAUPRÉ.

File No. 811.34537/80.

No. 95.]

AMERICAN LEGATION,
Habana, February 2, 1912.

SIR: Referring to previous correspondence in regard to the proposed enlargement of the naval station at Guantánamo, I have the honor to enclose herewith copy of a note on the subject which I have today addressed to the Cuban Secretary of State, urging him to give me some indication as to when I might expect a definite and final decision.

I was prompted to send this note by the fact that the present session of the Cuban Congress is rapidly drawing to an end and that there is a considerable amount of discussion in the press as to whether the Government should grant the enlargement desired.

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure.—Translation.]

The American Minister to the Cuban Secretary of State.

No. 39.]

AMERICAN LEGATION,
Habana, February 2, 1912.

YOUR EXCELLENCY: Referring to previous correspondence and conversations in regard to the proposed enlargement of the naval station at Guantánamo, I have the honor to remind your excellency that although the legation has been repeatedly informed that the matter was almost ready for settlement my Government is still in ignorance as to the real status.

While I realize that your excellency is greatly occupied by other important matters, I venture to emphasize once more the deep interest felt by [my] Government in this question and to express the earnest hope that it may be brought to a definite settlement with all convenient speed.

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[1] Continued from For. Rel. 1911, p. 126.

As my Government is making frequent inquiries as to the progress of this matter, I beg that your excellency will be good enough to give me an indication as to when I may expect a definite and final decision.

I avail [etc.]

A. M. BEAUPRÉ.

File No. 811.34537/82.

The American Minister to the Secretary of State.

No. 101.]

AMERICAN LEGATION,
Habana, February 7, 1912.

SIR: I have the honor to transmit herewith a copy of the draft convention[1] for the enlargement of the United States naval station at Guantánamo which was sent me today by Señor Sanguily with the statement that he was ready to sign if we approved the text in question. Upon making a careful comparison of the draft with the text previously submitted to the Department with Mr. Jackson's despatch No. 884 of June 1, 1911, I found that a number of verbal changes had been made and that one new article had been added. While these appear in no way to alter the sense of the convention, I feel that the State and Navy Departments alone are competent to decide upon these matters and am therefore waiting to send the entire text by mail.

Apparently the only undetermined question appearing in the draft of the convention enclosed is that of the amount of the annual sum to be paid. * * *

I have [etc.]

A. M. BEAUPRÉ.

File No. 811.34537/107.

No. 477.]

AMERICAN LEGATION,
Habana, October 23, 1912.

SIR: I have the honor to transmit herewith the final texts[2] in English and Spanish of the proposed convention for the enlargement of the Guantánamo naval station.

I have [etc.]

A. M. BEAUPRÉ.

File No. 811.34537/108.

The Secretary of State to the American Minister.

No. 169.]

DEPARTMENT OF STATE,
Washington, November 15, 1912.

SIR: Referring to your No. 477 of the 23d ultimo, I enclose for your information a copy of a letter[3] from the Acting Secretary of the Navy expressing his approval of the final text of the proposed convention for the enlargement of the Guantánamo naval station on the understanding that the rent as proposed by the new agreement covers the entire tract as enlarged.

Your full powers will be sent to you within a few days, and you may conclude the convention at Habana, either engrossing it at the

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[1] Not printed; see final draft in note No. 571 of Dec. 27, below.

[2] Printed below, inclosure to No. 571.

[3] Not printed.

Legation or requesting the Cuban Foreign Office to engross both copies. You will of course compare the copies, English and Spanish, carefully before signature.

I am [etc.]

P. C. KNOX.

File No. 811.34537/108a.

No. 170.]

DEPARTMENT OF STATE,
Washington, November 21, 1912.

SIR: Referring to previous correspondence on the subject, I enclose a full power[1] authorizing you to sign with the Government of Cuba an agreement amending the agreements between the United States and Cuba concluded February 16/23, 1903, and July 2, 1903, by which certain described areas of land and water in Guantánamo and Bahía Honda were leased to the United States for the purpose of coaling and naval stations.

I am [etc.]

P. C. KNOX.

File No. 811.34537/113.

The American Minister to the Secretary of State.

No. 571.]

AMERICAN LEGATION,
Habana, December 27, 1912.

SIR: Referring to the Department's instruction (No. 170) of the 21st ultimo, I have the honor to transmit herewith the agreement amending the agreements between the United States and Cuba concluded February 16/23, 1903, and July 2, 1903, by which certain areas of land and water in Guantánamo and Bahía Honda were leased to the United States for coaling and naval stations. This agreement was signed by me to-day on behalf of the United States and by Señor Manuel Sanguily y Garritt, Secretary of State, on behalf of the Republic of Cuba.

I am [etc.]

A. M. BEAUPRÉ.

[Inclosure.]

Proposed agreement between the United States and Cuba for the enlargement of the Guantánamo Naval Station.

The United States of America and the Republic of Cuba having entered into certain agreements on February 16/23 and on July 2, 1903, by which certain described areas of land and water in Guantánamo and Bahía Honda in the Island of Cuba were leased to the United States for the purpose of coaling and naval stations, and the two Governments being now desirous of cancelling so much of the said lease as relates to the areas in Bahía Honda and of extending the said lease over certain additional areas of land and water in Guantánamo, they have therefore resolved to enter into an agreement for that purpose and to that end have named as their plenipotentiaries—the President of the United States: Mr. Arthur M. Beaupré, Envoy Extraordinary and Minister Plenipotentiary at Habana; and the President of the Republic of Cuba: Sr. Manuel Sanguily y Garritt, Secretary of State. Who, after communicating to each other their respective full powers found to be in due form, have agreed upon the following articles:

ARTICLE I. The limits of the areas of land and water of Guantánamo which were ceded in lease to the United States of America by the agreements of February 16/23 and July 2, 1903, are hereby enlarged and fixed in the following form:

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[1] Not printed.

1. From the middle of the river Yateras at the place of its discharge into the ocean, a curved line following the middle of said river to its farthest western intersection with the parallel of 20° north latitude.

2. From the northwestern extremity of this line, a straight line running west (true) a distance of 3.50 miles more or less to its point of intersection with an extension of the line that constitutes the eastern boundary prescribed in the original lease by the Republic of Cuba to the United States; that is to say, to its point of intersection with a line running north (true) from a point on the south coast of Cuba 4.37 nautical miles to the eastward of the present position of Windward Point Lighthouse.

3. From the western extremity of this line, a straight line running south (true) a distance of 1.68 nautical miles more or less to a point east (true) from the northern extremity of the point of North Toro Cay that is situated about 5.68 nautical miles north 20½ degrees east (true) from the position of the present lighthouse on Windward Point.

4. From the southern end of this line, a straight line running west (true) to its point of intersection with a line running north 35° east (true) from the monument H 12 on the northern boundary laid down in the original lease by the Republic of Cuba to the United States.

5. From the western end of this line, a straight line running south 35° west (true) to its point of intersection at the monument H 12 with the northern boundary laid down in the original lease by the Republic of Cuba to the United States.

6. From the southwest end of this line, a straight line running north 59° 7′ west (true) through the said monument H 12 to the line of the east coast of the northeastern point of North Toro Cay.

7. From the northwestern end of this line, a curved line coinciding with the northeastern, northern and northwestern line of the coast of the northeastern point of North Toro Cay to the point of intersection with the prolongation of the said straight line that runs north 59° 7′ west (true) through the said monument H 12 and the point at the northern extremity of North Toro Cay previously mentioned.

8. From the southwestern end of this line, a straight line that runs north 59° 7′ west (true) to the point on the northern extremity of North Toro Cay previously mentioned.

9. From the northwestern extremity of this line, a broken line running first north 61° 50′ west (true) a distance of 0.42 nautical mile more or less, then south 33° 53′ west (true) a distance of 0.66 nautical mile more or less, said line terminating on the western shore of North Toro Cay at a point south 61° west (true) from the southern extremity of Fort Toro, and having its two parts respectively tangent to the northeastern and northwestern shores of the unnamed islet lying northward from Toro Cay.

10. From the southwestern extremity of this line, a straight line running west (true) a distance of 0.21 nautical mile more or less to the shore-line of Flamingo Cay at Cayoba Point.

11. From the western extremity of this line, a curved line running in coincidence with the northeastern and northern shore-line of Flamingo Cay to the westernmost extremity of the northwestern point of Flamingo Cay.

12. From the western extremity of this line, a straight line running north 70° 4′ west (true) a distance of 0.48 nautical mile.

13. From the northwestern extremity of this line, a straight line running west (true) a distance of 1.39 nautical miles more or less to a point northeast (true) from the western extremity of the northern boundary described in the original lease granted by the Republic of Cuba to the United States.

14. From the western extremity of this line, a broken line running first southwest (true) a distance of 0.52 nautical mile more or less to the western extremity of the northern boundary described in the aforesaid original lease, and thereafter conforming with the northwestern and western boundaries as laid down in said lease.

ARTICLE II. All the rights acquired and all the obligations contracted by the United States of America and the Republic of Cuba in regard to the areas leased at Guantánamo by virtue of the above-mentioned agreements are hereby extended to the new leased areas. The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of five thousand dollars in gold coin of the United States as long as the former shall occupy and use the areas leased by this agreement. All or any private lands and other real property within said areas shall, upon the request of the Government of the United States of America, be acquired by the Republic of Cuba. The United States of America agrees to furnish to the Republic of Cuba the reasonable sums necessary for the purchase of said private lands and properties, and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of this agreement.

ARTICLE III. All the clauses and provisions of the agreements of February 16/23 and July 2, 1903, that are not altered or modified by the present agreement shall remain in full force.

ARTICLE IV. The United States of America hereby relinquishes all rights over and upon, and the Republic of Cuba hereby releases the United States of America from all duties and obligations connected with and concerning the areas of land and water at Bahía Honda as established by the cession in lease by the Republic of Cuba to the United States of America under the agreements of February 16/23 and July 2, 1903.

ARTICLE V. This agreement of lease and renunciation shall be ratified, and the ratifications shall be exchanged in the City of Habana within six months from the date of this document.

In testimony of which we, the respective plenipotentiaries, have signed this lease and renunciation and affixed hereto our seals.

Done at Habana in duplicate in English and Spanish this 27th day of December, 1912.

[Signed] A. M. BEAUPRÉ,
[Signed] MANUEL SANGUILY.

VISIT OF THE SECRETARY OF STATE TO CUBA.

File No. 033.1100 K77/9.

The Minister of Cuba to the Secretary of State.

LEGATION OF CUBA,
Washington, February 15, 1912.

MY DEAR MR. SECRETARY: I beg to acknowledge receipt of your favor of the 13th instant,[1] in which you state that the Honorable President has directed the Honorable Secretary of State to visit [etc.]

I note with great satisfaction the expression of the Secretary's anticipations as regards his visit to Cuba and his sentiments and those of the United States towards my country; and I can assure you that my Government and the people of Cuba will gladly improve the opportunity now offered them to show Secretary Knox their high appreciation of his personality and his friendly interest in Cuba, and also the warm friendship of my country towards the United States.

I beg to remain [etc.]

ANTONIO MARTIN RIVERO.

File No. 033.1100 K77/86.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 9, 1912.

The party of the Secretary of State consists of himself and Mrs. Knox, Mr. and Mrs. Hugh S. Knox, Mr. and Mrs. P. C. Knox, jr., one valet, one maid, Mr. Coombs and Mr. Doyle of the Department; Mr. Heinl of Leslie's Weekly, Mr. Harmon of New York Sun, Mr. Hale of World's Work, Mr. McKernon of Associated Press, Mr. Vargas of International News Association, one military aide, one naval aide, one servant. The party expect to arrive April 10.

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[1] The identic letter printed under Panama, "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea, p. 1240.

HUNTINGTON WILSON.

File No. 033.1100 K77/175.

The American Minister to the Secretary of State.

[Extract.]

No. 209.]

AMERICAN LEGATION,
Habana, April 17, 1912.

SIR: I have the honor to report concerning the recent visit to Habana of the Secretary of State and at the same time to interpret as best I may be able the feelings of this Government and people at the time and subsequent to Mr. Knox's visit to this country.

Secretary Knox arrived at the port of Habana at 9 o'clock on the morning of the 11th instant on board the U. S. S. *Washington*. As soon as the vessel reached her moorings she was boarded by a party of officials sent to welcome the Secretary. I accompanied this party, attended by the entire staff of the Legation. * * * Mr. Knox received the party on the quarter-deck. After an exchange of greetings * * * the party returned to shore to await the arrival of Mr. Knox, who arrived shortly afterwards * * * and the party was taken to the Hotel Telégrafo where an entire floor had been reserved by the Government. * * *

At twelve o'clock the Secretary, accompanied by Mr. Doyle, his naval and military aides and the staff of the Legation, called on Secretary Sanguily at the Department of State. * * * As the Secretary's visit had been greatly delayed it was decided to waive the return call of Secretary Sanguily until afternoon, and the party immediately proceeded to the Palace to call on President Gómez, accompanied by Secretary Sanguily and Sub-Secretary Patterson. * * * After a few minutes conversation with the President the Secretary and his party withdrew and returned to the hotel for luncheon.

At 4 p. m. Secretary Saguily and Sub-Secretary Patterson returned Mr. Knox's call, at the Hotel Telégrafo.

At five o'clock I had the privilege of giving a reception at the Legation, to afford an opportunity to the higher Cuban officials to meet the Secretary. * * * The president and Mrs. Gómez arrived early and stayed throughout the reception, the first function of any sort they have attended in a legation or private residence during the administration. * * *

At half past eight o'clock President Gómez gave a state dinner in the building of the Department of the Interior. Places were arranged for over two hundred guests. * * * The best elements of Habana society have never before attended any of the functions given by the Government, and their attendance at this banquet must be regarded entirely as an evidence of friendly feeling for the United States and a desire to manifest that feeling to the Secretary of State. The event of the Secretary's visit which had been anticipated with the greatest interest was his speech delivered at this banquet. At the conclusion of the meal Secretary Sanguily arose and delivered a friendly and well-written address of welcome in which he made enthusiastic protestations of Cuba's friendliness for and confidence in the United States. * * * Secretary Knox in his reply expressed gratification at his opportunity to become acquainted with the members of the Government of Cuba, in which the United States takes so deep and unselfish an interest. * * * I have the honor to inclose herewith copies of both speeches. * * *

On the 12th there was a motor trip to the Mercedita sugar plantation at La Cabaña in Pinar del Río Province. * * *

At eight o'clock I had the pleasure of entertaining the Secretary and his party at dinner at the Legation. * * *

Shortly after ten o'clock the party proceeded to the Department of State where a magnificent ball was given in honor of the Secretary. * * *About 1,200 invitations were issued. * * * All the best elements in Cuban society were represented. * * * This was undoubtedly the largest and most elaborate ball ever given in Cuba. * * *

On the morning of the 13th Secretary Sanguily and Sub-Secretary Patterson called on Mr. Knox at his hotel and had an extended conference on pending matters, at which I was present.

At three o'clock the American Club gave a reception in honor of the Secretary. * * *

At five o'clock Mr. Knox went to the Quinta de los Molinos (the old summer home of the Spanish captains-general) where the Mayor of Habana gave a garden-party in his honor. * * *

From the garden-party the Secretary drove directly to the Caballería wharf whence he immediately went on board the *Washington*. The Legation staff and a few Cuban officials took leave of the Secretary on the dock. Most of the officials, however, arrived at the dock after the departure of the Secretary's launch. They all took launches and went on board the *Washington* to wish the Secretary a pleasant journey. * * *

It is gratifying to note that none of the local papers have published any hostile comment. All the papers devoted a great deal of space to describing the movements of the party and all comment was distinctly friendly. * * * The Cuban Government extended a hearty and sincere welcome to the Secretary and spared no efforts or expense to make his visit a success. Cuban society let down the bars which it has maintained towards the official element and joined freely in welcoming and entertaining the nation's guest. There was not a note of discord to mar the effect of the visit and we may feel highly gratified at the reception accorded Mr. Knox as the representative of the United States. More than this is the knowledge that the Secretary's visit has cleared the air of all uncertainty as to the friendly intentions and good wishes of our Government for Cuba. * * *

I have [etc.] A. M. BEAUPRÉ.

[Inclosure 1.—Translation.]

Address of the Secretary of State of Cuba welcoming Mr. Knox.

SIR: The President of the Republic has honored me by charging me with the office—a most pleasant one for me—of giving you in his name and in the name of the Cuban Government and people a most cordial and heartfelt welcome to this isle that has rocked the cradle of many a hero, and which is ever a hospitable home in which the stranger easily forgets his native land midst the blandishments of bountiful nature and the warm brotherliness of a people as noble as it is good. Harbinger of peace, in visiting regions as yet unknown to you, peopled by races of an origin and tongue so different from your own, you do not grasp the ponderous sword of conquest, but rather the glorious caduceus of Mercury, symbol of prosperity and beneficence, entwined with olive and laurel, some of whose leaves shine with the tears of our sisters and our own blood, while the heavenly radiance of our martyrdom and our heroism blends with the halo of light by which it is surrounded and illumined; for, united, the flashing American battalions and the careworn Cuban legions, thin and almost naked, accomplished—you in a rapid campaign, we battling unwearied for half a century—the splendid issue which renewed your traditional doctrines of world politics and gave new direction to your historic destiny, while radically changing our secular condition, both assuming from that moment, in return for new duties and rights toward other nations, mutual and reciprocal responsibilities by virtue of which neither do you assume the right of oppressing us nor have we suffered the misfortunes of a fresh bondage.

With your excursion to the free commonwealths of the Caribbean Sea you complete that other interesting and fruitful excursion of your illustrious predecessor to those republics south of the Equator, animated, like him, by the same spirit of harmony and fraternity; bearers, both, of one message of concord and affection which the great Republic then sent and now repeats to these impetuous republics, shaped to her image, although under different conditions—some born, as the most recent, at the magic touch of her diplomacy; others, as our own, by the help of her arms; and all, perhaps, maintained through the efficacy of her original and life-giving principles. Wherefore the visit of so high an envoy from the largest and most famous democracy of the world could never imply purposes opposed to the consecration and normal exercise and development of republican institutions, not only because of the greatness of the august federation whose conspicuous and worthy representative you are, and because of the elevation and moral refinement of the generous people who established it and have maintained and aggrandized it in the face of great perils and fearful struggles, but because of what, in the evolution of ideas and the transformation of history, the American spirit, American doctrines, and American action mean in the life of modern society. Blessed fruit of a seasoned and hard-fought development inspired and sustained by the highest aspirations of benevolence and progress, Americanism is either an empty word or is as a leaven of order, of dignity, and of that serene trust which in every man's heart builds up the sense of power and righteousness as an impregnable fortress and sows in every land the seed of vigorous virtues whereby, through its own self-respect and in the exalted interests of justice, it may become unconquerable and happy. Solely by that spirit which creates and upholds, by the humane and fruitful power of that doctrine which is the product of a high avatar of conscience, which is a new gospel of redemption and hope for oppressed peoples and bulwark of vacillating and unstable democracies, would what has been called Pan-American in contradistinction to Old World denominations be truly justified and have its full force, in harmony with the dignity and happiness of nations. Whatever may be the changes and applications of the Monroe Doctrine—the last phase of which your excellency has set forth and interpreted authoritatively in a recent well-known speech—it never could imply, as the malevolent would wish, a harassing, illegitimate, and humiliating suzerainty, consisting of a constant, arbitrary, and perturbing interference of an alien government in the private and normal life of sovereign nations.

My words are prompted, Mr. Secretary, by my admiration for your institutions as an old revolutionist as well as by my esteem and my gratitude as a Cuban. By participating in our hard struggle with the Spanish power Americans probably advanced our independence by several years, assuring to us at the same time the favorable outcome of a protracted and devasting war, and saving us from a corresponding period of hate, bloodshed, and ruin. Later, in a demoralized and discouraged community, with their better and, for us, novel methods, they corrected pernicious errors, offsetting the defects of negligence and leveling obstacles that the past had laid across our path to a new life, whereby wider and brighter prospects were opened up to us. And now, if you counsel us in the difficulties of national life, pointing out for their avoidance dangers born of inexperience, excusable in a community undergoing radical changes in organization and government by bitter struggling, it constitutes what is known as "a policy of prevention"; there being nothing reprehensible in your exercise of an office operated for our own preservation and profit, and our failure to take advantage of the benefits it offers would be blameworthy in us, inasmuch as we are not to be held responsible for the fatalities of history, nor of the time and place in which we entered upon national life. Nor have we been the first whom, because of weakness, you have sought to admonish as to error or injustice, foreseeing calamity and disaster, since in difficult or perilous circumstances the constant or direct action of your Government in American affairs, almost from the beginning of the last century till its end, with their assent and often with their compliance, imposed timely rectifications on even strong governments and powerful nations, even as in Cuba itself—in spite of its great, secular and glorious titles—the earnest words of your Presidents have called attention insistently to the dangers toward which its blindness and pride were dragging it long before finally issuing against it a sentence from which there was no appeal.

Knowing, thus, our conditions and your expressed purposes we should be too suspicious and skeptical if we still feared lest, through some evil inspiration of violence or through unspeakable motives, the stability of our national institutions were threatened; the more in that you, too, Mr. Secretary, have just proclaimed in the very heart of the continent that your country is too great and too honest to covet foreign sovereignty and too extensive to need another's territory; that not in vain has an uninterrupted heredity of virtue and culture separated immeasurably from the violence of passion the luminous serenity of justice, nor from savage times the present epochs of democracy and righteousness, and that the same distance lies in the moral world between the chaotic and dark soul of Tamerlane and the pure and immaculate spirit of George Washington.

Moreover, Mr. Secretary, we need you in the entire regulation of our national life, as, for many and diverse reasons, you need us, and therefore our common purpose should be in mutual usefulness by the giving and exchange of reciprocal and equivalent services; although it is clear that for the fulfillment of such worthy aims it is indispensable that neither here nor elsewhere should it be permitted and much less proclaimed without due correction, by the lawless voice of usury or of mammon, that anyone can, by divine right, at his fancy, suppressing the Republic by the scratch of a pen, reinstall Cuba as a subject colony; for, if we do not live by our own right and if our condition is that of a tenant, subject at will to alien caprices and interests, there is neither dignity in our lives, nor an authority to be respected in the State, nor any possibility whatever of true order and honorable and permanent peace. The interests that gained profit or were enriched in the public upheaval and interventions brought about by circumstances would be well satisfied and glad if the halcyon days of their power and predominance were to return; but for that very reason the Cuban people would be, indeed, unfortunate.

Only a few weeks ago the people of this city rendered their last tribute of pious regard over the remains of the sailors who perished on the *Maine*, and in great crowds gathered along the shore and followed with bated breath the last voyage of the fantastic ship. Yonder on the horizon, as the evening fell, what was left of the fearful catastrophe—the mutilated hull—was submerged forever; but in every Cuban, as in so many American homes, hearts beat as one remembering past days of anxiety, pain, and glory, and in the former as in the latter the tragic remembrance of the *Maine* and of that sinister night on which by the glow of that great disaster this new American nation was brought to life was evoked with religious unction. Born midst such exceptional circumstances, fruit of such labors, Cuba feels that the very roots of her national life and of her rights are planted and nourished in the conscience of the American nation; and so, trusting and grateful, she now extends her loyal hand to her powerful and noble friend. When, as a reward for your triumphant effort, the two seas separated by the Isthmus since remote ages shall be joined in one embrace, should their waves, like the folded cloak of the Roman ambassador, hide the blessings of peace or the horrors of war, Cuba, satisfied and content in its happy independence, will enjoy with you the incalculable benefits of that universal prosperity which is approaching as the necessary result of such a marvelous modification of the continent. And you may be sure, likewise, that in the hour of danger and of conflict your soldiers will not fight, should it be necessary to do so, with such enthusiasm as, for its own independence and in your aid, our people would fight, knowing as they do that in the present state of the world and in the critical eventualities of an uncertain and not far-distant future never shall the Cuban flag be more secure of respect abroad than when close to the beneficent shadow of your own, which strewn with stars, symbols of real nations in the full glow of life, prefigures the mystic and glorious galaxy of right. And therefore it is its high function, in conformity to tradition and purpose, to create free commonwealths and new republics throughout the continent and not—as those who outrage her name by invoking her power in furtherance of inconceivable enmities and ignoble interests—to be the threat and scourge of weak nations. But if the relentless purpose which iniquitous prophets of evil have been announcing should ever be fulfilled by reason of the changes and weaknesses to which humanity is subject, surely some unheard-of portent would befall; perhaps that majestic woman standing on Bedloe Island in the great estuary would loose her metal girdle and extinguish in the seething waves the gigantic torch that illumines the vast ocean and the conscience of man, while a fearsome clamor sprung from a terrified disenchantment would be reechoed from wave to wave and from height to height, proclaiming to the darkness of the world that Liberty was no more.

Never, however, shall such a misfortune take place, far more grievous and fatal than if at a moment's notice the light of all the stars should be extinguished. Wherefore allow me to be the mouthpiece of hope and love, in the sincere trust, Mr. Secretary, that you may enjoy a long and happy life of honor and of glory; that your illustrious President may be in all circumstances, as heretofore, the noble friend of Cuba; and that, crowned with blessings, in the prosperity of a spotless fame, your great nation may be now, and in centuries to come, protector of the law, ægis of the weak, example to the strong, firm foundation of civilization, palladium of republican America, realizing its great destiny as it circles in its huge orbit like a benign star, in harmony with all human interests and amidst the blessings of all the nations of the earth.

[Inclosure 2.]

Reply of Mr. Knox.

Mr. President and Gentlemen: It has been my high privilege to be the President's chosen instrument for conveying to the independent nations of the Caribbean at this time, when the completion of the Panama Canal is near, a message of fraternal good will and an assurance, if, indeed, assurance were necessary, of the deep sense of responsibility felt by the Government and people of the United States that the great work which we have undertaken shall helpfully contribute to the well-being of the commonwealths of the Western World and be instrumental in bringing closer all the peoples of the Americas, inspiring them with broader confidence, more intimate sympathy, and more practical reciprocal helpfulness in the promotion of their mutual advantage and coordinate development. This was the message I carried, not alone to the peoples of the Carribean littoral but to all the countries of Latin America, emphasizing the sincerity of purpose and the purity of motive which have animated the United States in all its dealings with Latin America. As I said at Panama, intelligent consideration of the relations of the United States to the other American republics makes it clear that our policies have been without a trace of sinister motive or design, craving neither sovereignty nor territory.

The special purpose of my mission having been accomplished, it is alike appropriate and gratifying that on my homeward journey I should have the opportunity to get into closer personal touch with the one sovereign people of the whole Western World who are, above all, in a position to know and appreciate the broad and essentially conscientious policy of Anglo-Saxon America toward Latin America. So far as Cuba is concerned, our record speaks for itself. It is consistent and unblemished. It was formulated and proclaimed before the first shot was fired at Manila initiating the conflict to free from a crushing despotism "this fairest land the eye had ever seen" and which, happily, ended in gaining a free Cuba for free Cubans. That policy has been lived up to ever since. It needs no reiterative protestations. It is a constant, vital entity, needing not to be galvanized into spasmodic action; neither should its true import be dulled by wearisome repetition. Good faith is a thing that proves itself by deeds, not words. Our deeds in respect to the Cuban people are before you. Look to them for fresh assurance—if there be any doubting Thomas who thinks he needs it—that the United States stands firmly as the true, wholehearted friend of Cuba, glad of the work we have done for the Cuban people and ready to aid them to conserve the civic and material benefits which it was our good fortune to be instrumental in helping them to win.

First among these benefits is self-government. We hold that all peoples are fit to work out the highest ideals of self-government by creating for themselves and by their own efforts a healthy national life, inspired by the safe and sane exercise of the popular will, homogeneous in all its parts, free from radical weakness or corporeal blemish, self-respecting and imbued with respect for the rights of all at home and abroad. Providence has called upon free Cuba to be a model state among the popular commonwealths of the world and has opened the way to the achievement of that noble purpose. That is the goal for which we have, with you, spent our blood and treasure and to which our earnest efforts will ever be directed. The beginning of Cuban political life was the affirmation of the brotherhood of the American and Cuban peoples. Let us ever be brothers.

I speak to you, with all the earnestness I may, the thoughts that rise at this time, when Cuba stands on the threshold of a new era of even greater prosperity and progress by reason of being a natural gateway to the great Isthmian Canal and being destined, in the inevitable logic of events, to share in the almost incalculable possibilities to spring from the new channel to be opened to the world's commerce under a fresh and controlling impetus. It makes a newer world of the New World of Columbus. As I said at Panama, "In this new world we must be found drawn closer by sympathies and mutual esteem, and working in harmony toward beneficent ends. This must be so, for our greatest interests are those that are common to us all." We must not forget that in order to work together toward common ends each co-worker must be in a position to do his effective share of the common task. Even as the capacity of the individual workman is dependent on soundness of body and mind, so the potential efficiency of a community is measured by the homogeneous perfection of its civic organization and by the logical soundness of the public mind that directs its operations. While liberty is attained through patriotic valor, yet it is only through fraternity and unselfish coordination that it is perpetuated. The crisis in the life of any nation that has thrown off the yoke of tyranny is the period of rehabilitation. When the cohesive bonds of a common peril are relaxed by the removal of the danger and liberty succeeds oppression, unselfish fraternity must be substituted for the unity which a common danger furnished during the struggle for national rights. A people liberated from oppressive tyranny is no better off if unrestrained selfishness, which almost inevitably leads to anarchy, is the result. A people so situated can not profitably exercise the right of self-government unless they work faithfully together with singleness of aim. Mistrust, jealousy, selfishness, aloofness, and apathy will rob a people of their birthright. There is always more to unite than to separate all classes of citizens, and in Cuba, as in all republics, all classes should be alert in the consciousness of their civic duties and not commit the destinies of their country to the hands of the few who, with nothing to lose and everything to gain, make a business of the politics of their country.

It is the fervent prayer of my Government and my countrymen that free Cuba may abide steadfastly in the high station to which Providence has called her, sturdy with the strength of stable self-control, free from the infirmities that beset weak peoples, and earnest in the path of self-development.

Coming among you as I do, the cordiality of the welcome I have received makes it impossible to realize that I am in a strange land, among strange kinsfolk. I feel, rather, that I am of your brotherhood, as you are of mine. I come, too, at an auspicious time, when the association of feeling between my country and yours is made closer by the sad memories attending the removal of the wreck of the *Maine*. The waves of ocean have clasped that ill-fated ship in their eternal embrace, and your beautiful harbor is no longer marred by the presence of a gloomy monument of national resentment and strife. As the sun rises upon the unbroken expanse of your noble bay, it brings a message of oblivion of the dark past and of encouragement for the new Cuba, strong in the possession of rightful strength and at peace with all the world.

RAISING OF THE WRECK OF THE U. S. S. "MAINE."[1]

File No. 811.304 M28/52.

The American Minister to the Secretary of State.

No. 941.] AMERICAN LEGATION,
Habana, June 19, 1911.

SIR: I have the honor to report that in view of the progress made in the work on the *Maine* and of the probability that it may be possible within a few days to remove any remains of the officers or men of the United States Navy which may be found in the wreck, President Gómez has issued a decree, No. 466, dated the 16th instant and officially published in the Gaceta Oficial No. 142 of June 17, to the effect that "as a special demonstration of sympathy for the sailors of the Navy of the United States who lost their lives in the explosion," honors are to be paid to their remains. These honors are to consist in—

1. the putting at half mast of the flag on all military posts and national buildings in Habana when the flag is half-masted on the vessel conveying the remains;
2. the firing of a gun every half hour from sunrise to sunset on the day that the funeral celebration takes place on board that vessel, and the furnishing of a military and naval escort;
3. the firing of a salute of twenty-one guns from La Cabaña fortress, at intervals of one minute, as that vessel leaves port for the United States, the whole garrison being paraded at attention on the parapets of the fort as the vessel passes and the band playing a funeral march, which is to end when the vessel has passed the Morro, whereupon the flag is to be raised to full mast and the band is to play the American and Cuban national airs; and
4. the accompanying of that vessel by two vessels of the Cuban National Marine as long as she is in waters under Cuban jurisdiction, which on leaving her on the high seas are to render the customary honors.

While suggesting that I be instructed to convey to the Cuban Government an appropriate expression of thanks at the proper time for this demonstration of sympathy,

I have [etc.]

JOHN B. JACKSON.

File No. 811.304 M28/52.

The Secretary of State to the American Minister.

No. 347.] DEPARTMENT OF STATE,
Washington, June 27, 1911.

SIR: The Department has received your No. 941 of the 19th instant, in which you report that the President of Cuba has issued a decree directing a special demonstration of sympathy for the sailors of the Navy of the United States who lost their lives in the explosion on the *Maine*.

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[1] Continued from For. Rel. 1910, p. 419.

As suggested by you, the Department desires you at the proper time to convey to the Cuban Government an appropriate expression of the thanks of the Government of the United States for this demonstration of sympathy.

I am [etc.]

P. C. KNOX.

File No. 811.304 M28/58.

The Secretary of War to the Secretary of State.

No. 21037.]
WAR DEPARTMENT,
Washington, February 10, 1912.

SIR: Under date of December 6, 1910, President Gómez requested in a letter addressed to the President[1] that a part of the battleship *Maine* be delivered to the Republic of Cuba for memorial purposes. Subsequently the Secretary of Public Works of Cuba addressed a letter to the engineer office in charge, asking that the after-turret of the vessel intact, with its guns and their mounts, be furnished for such purpose.

Under authority of the Act of Congress approved December 22, 1911,[2] I have this day approved the transfer of the said after-turret intact, with guns and their mounts and some of the shells belonging to same, to the Republic of Cuba for the purpose above indicated, and have the honor to request that the Department of State will so inform the President of the Republic of Cuba.

A copy of the President's letter to President Gómez on the subject is also transmitted herewith.[1]

H. L. STIMSON.

File No. 811.304 M28/58.

The Acting Secretary of State to the American Minister.

No. 31.]
DEPARTMENT OF STATE,
Washington, February 17, 1912.

SIR: The Department is advised by the Secretary of War that on December 6, 1910, the President of Cuba, in a letter addressed to the President, requested that a part of the battleship *Maine* might be delivered to the Republic of Cuba for memorial purposes. At a later date the Cuban Secretary of Public Works addressed a letter to the engineer officer in charge of the work of raising the Maine, asking that the after-turret of the vessel intact with its guns and their mounts might be furnished for that purpose.

Mr. Stimson states that under authority of the Act of Congress approved December 22, 1911, he has approved the transfer of the said after-turret intact with guns and their mounts and some of the shells belonging to them, to the Republic of Cuba for the purpose above indicated.

You will communicate this information to the President of the Republic of Cuba.

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[1] For. Rel. 1910, p. 419.

[2] H. R. 15930.

Copies of the War Department's letter and its enclosures are transmitted herewith.

I am [etc.]

WILSON.

File No. 811.304M28/59.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 22, 1912.

U. S. SS. *North Carolina* and *Birmingham* will arrive at Habana March 4, or at about that time, as may hereafter be settled, for removal of wreck of the *Maine*. You will so inform the Cuban Government.

You will request that permission be given by the Cuban Government, if practicable, for a suitable force of men under arms from the above-mentioned vessels to land on Cuban soil in order appropriately to participate in the ceremonies which the Cuban Government contemplates holding to mark the transfer of the *Maine* victims to the resting place on shore.

After appropriate ceremonies these vessels will accompany the wreck of the *Maine* as it is towed to sea, under direction of the military authorities. A salute of twenty-one minute-guns will be fired from the senior ship simultaneously with the similar salute which it is understood will be fired from shore as the vessels leave port. The salute will be started by the Cuban battery, each gun of which will be followed at a five-second interval by gun from the senior ship.

When the wreck is sunk in deep water outside the harbor appropriate ceremonies will be observed, after which the *North Carolina* and *Birmingham* will proceed to Hampton Roads.

WILSON.

File No. 811.304M28/61.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, February 26, 1912.

I am verbally informed that permission will be granted for the landing of an armed force.

The order of exercises will be announced in a decree, which the President is preparing, as follows:

1. Night of March third, bodies to be removed from Cabaña to Habana City Hall, where they will lie in state.
2. Officials, armed forces, and delegations who so request will stand guard.
3. Route from City Hall to point of shipment to be lined with forces of Cuban Army and Navy, national police and municipal band. Remains to be escorted by armed force from American ships, who will be accorded proper honors.
4. Cuban Navy will receive remains at Caballería wharf and deliver them on board *North Carolina* in time for ships to sail by four p. m.
5. On departure of ships saluting station at Cabaña will fire salute of 21 minute-guns. As ships pass, all troops will form on parapets

and stand at attention. Funeral march to be played from Morro during passage of ships, ceasing when they have passed beyond fortress, when flag will be hoisted to full staff.

6. Ships of Cuban Navy will escort wreck to point where it is sunk. At moment of sinking, crew of flagship will render appropriate honors and military band will play American and Cuban national airs.

7. Officials and delegations will attend ceremony aboard Cuban vessels assigned for purpose.

8. Throughout the day all military posts and public buildings in Cuba will place flags at half mast. From dawn to moment of sinking, Cabaña will fire gun every half hour.

9. Before leaving City Hall remains to be turned over by person designated by Cuban Government to person designated by American Government.

BEAUPRÉ.

File No. 811.304M28/62.

The Acting Secretary of State to the American Minister.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, February 26, 1912.

General Bixby, Chief of Engineers, will be officially appointed by the War Department to receive the remains of the *Maine*. His place will be taken by the senior officer of the board that has had charge in the raising of the *Maine*, in case General Bixby can not arrive at Habana in time.

WILSON.

File No. 811.304M28/63.

MARCH 2, 1912.

The Navy Department highly appreciates the honor contained in article four of the President's decree, relating to delivery by the Cuban Navy on board an American war vessel of the remains taken from the *Maine*. It would, however, be practically more expedient for the American Navy to receive the caskets at Caballería wharf and convey them to the *North Carolina*. You will urge upon the Cuban Government a modification of the arrangements to this effect.

The wreck of the *Maine* will probably not be removed before March 14.

WILSON.

File No. 811.304M28/64.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Habana, March 11, 1912.

The arrangements for the reception of the remains will be modified as desired.

BEAUPRÉ.

File No. 811.304M28/71.

No. 165.] AMERICAN LEGATION,
Habana, March 20, 1912.

SIR: I have the honor to transmit herewith enclosed[1] translation of newspaper comment concerning the wreck of the *Maine* and the honors to the victims. * * *

I have not ventured to report the ceremonies themselves in the belief that a full report will be made to the War and Navy Departments by the officers directly concerned.

I have [etc.]

A. M. BEAUPRÉ.

File No. 811.304M28/74.

No. 182.] AMERICAN LEGATION,
Habana, March 27, 1912.

SIR: I have the honor to transmit herewith enclosed copy and translation of a note received from the Cuban Secretary of State in reply to my communication addressed to him in pursuance of the Department's instructions No. 31 of the 17th ultimo, stating that the Secretary of War had approved the transfer of the after-turret of the *Maine* intact to the Cuban Government for memorial purposes.

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure.—Translation.]

The Cuban Secretary of State to the American Minister.

No. 275.] DEPARTMENT OF STATE,
Habana, March 14, 1912.

MR. MINISTER, I have the honor to acknowledge receipt of your excellency's courteous note No. 54 of February 28 last,[1] in which you are pleased to request that I inform the President of the Republic that the Secretary of War, authorized by an act of Congress of your country, dated December 22, 1911, had approved the presentation to the Cuban Government of the after-turret of the *Maine*, intact with its cannon and some of their shells, as a relic for the Cuban Government.

I take pleasure in informing your excellency that on bringing the text of the above-mentioned note to the attention of the President, he has accepted this priceless relic with profound gratitude on behalf of the Republic, proposing to preserve in the most appropriate and adequate manner this monumental relic of the great catastrophe, which will always live in the memories of the Americans, Cubans, and Spaniards as a sorrowful and sacred event.

I avail [etc.]

MANUEL SANGUILY.

File No. 811.304M28/72.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Habana, April 2, 1912.

In concluding his message read in the opening of the Congress yesterday afternoon, President Gómez said:

I do not wish to conclude this message without recording an event that has demonstrated to the entire world the close ties of affection which bind us to

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[1] Not printed.

American people. I refer to the imposing obsequies and the manifestation of mourning accorded to the remains of the sailors found in the wreck of the battleship *Maine*, and the removal of the wreck from our jurisdictional waters. Our Government and the American Government were associated in this act and, inspired by a common sentiment, fulfilled a pious duty.

BEAUPRÉ.

ZAPATA SWAMP CONCESSION.

File No. 837.6112.

The American Minister to the Secretary of State.

[Extract].

No. 327.]

AMERICAN LEGATION,
Habana, July 5, 1912.

SIR: I have the honor to report that by Executive Decree No. 556, dated June 18 and published in the Gaceta Oficial of June 21, 1912, the President has granted, under the doubtful authority of Arts. 62 and 63 and minor provisions of the Law of Waters (Royal Decree of January 13, 1891), a concession to a company called the "Compañía Agricultora de Zapata", for the reclamation of the Ciénaga de Zapata, a swamp on the south coast of Cuba west of Cienfuegos containing approximately one thousand square miles. * * *

The project, which presumably contains plans and specifications of the proposed reclamation work and from which alone any idea as to the nature or extent of this work could be had, is not published.

The Ciénaga de Zapata largely consists of public lands, but there are many considerable tracts privately owned. It contains vast quantities of valuable timber and mangrove, and is Cuba's principal source of charcoal, the universal cooking fuel; these natural resources give it its principal if not its only value. Extensive charcoal operations have been going on there for many years, on privately owned as well as upon public lands under Government permits, which I understand afford a not inconsiderable source of public revenue.

The project of reclamation is merely a specious pretext for giving away incalculable millions in timber and charcoal woods. The project, if honestly undertaken for the reclamation of the land for agricultural purposes, would perhaps cost many millions of dollars, and it is very doubtful whether it would ever pay as a private enterprise. The company has eight years within which to finish its "reclamation" work, and there is apparently no obligation as to what part or how much of it shall be done in the intervening years; and in that time the company could perhaps cut millions of dollars worth of wood, and then, without ulterior responsibility, throw up the reclamation enterprise as impracticable.

There has been a strong outburst of public opinion against the concession. Among the affected landowners is General Enrique Loynaz del Castillo, who in his characteristic style has addressed an open letter to Congress bitterly denouncing the transaction as the most scandalous yet attempted in the "Republic of Pillage". A bill has been introduced in the House of Representatives to investigate the transaction, and it is likely that affected private landowners will, if not bought off, fight the concession in the courts, for the quoted provisions of law[1] relating to insalubrious lands under which the concession is made clearly contemplate low lands and swamps in inhabited regions where they are a menace to public health, while this vast swamp has barely a handful of inhabitants who are engaged in exploiting its natural resources and it has never been regarded as a menace to the health of the distant settlements any more than are the rice fields and salt marshes of our own South Atlantic and Gulf States.

The concluding article of the decree of concession provides that—

> Within thirty days from the date of publication in the Gaceta Oficial, the concessionaire shall notify the Department of Public Works of the concessionaire's conformity with the provisions of this decree; whereupon that Department shall proceed to execute the appropriate instrument or act of concession. * * *

Until the execution of the instrument prescribed in the quoted provision, the concession does not become effective; and therefore there is still sufficient time in which to procure the suspension or revocation of the concession. Public opinion here is negligible, and only those people who have something at stake (who may be bought off in the meantime) will pay any attention to the matter after the first excitement subsides and the newspapers, appropriately "silenced", cease their attacks. It is not likely that anything will come of the Congressional investigation, even if the motion calling for it is carried.

Therefore the only apparent way to stop this * * * is for us to enter without delay an emphatic protest that will leave no doubt as to our disauthorization of the measure; unofficial representations of a lukewarm character demanding no specific action might be disregarded. * * * Various promoters have, I understand, for many years sought this concession, former petitions having been summarily dismissed by the Wood, Palma and Magoon administrations, and now that the present promoters have it almost in their grasp a determined stand is necessary in order to dislodge them.

Our objections might appropriately be predicated upon the general principle of our interest in the finances of Cuba as affected by the alienation of natural resources for inadequate consideration. and upon Article V of the Platt Amendment regarding sanitary plans. If in the exercise of our rights under Art. V we insisted upon a thorough and comprehensive reclamation of the land with rigid stipulations as to the amount of work to be done each year—reducing the exploitation of natural resources to an incidental opportunity, rather than as it now is, the main object of the concession—the project would, I am convinced, inevitably fall through.

Our objections, if any, should be embodied in a note to President Gómez, and in order to be timely should be presented as soon as possible. I therefore respectfully recommend that I be instructed by telegraph.

I have [etc.]

A. M. BEAUPRÉ.

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[1] Not printed.

File No. 837.6112/1.

The Secretatry of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 17, 1912.

You will address a note to the Government of Cuba saying that to the Department of State, after such inquiry as has been feasible, the Zapata Swamp concession seems to be so clearly ill-advised a project, so improvident and reckless a waste of revenue and natural resources, that this Government is impelled to express to the Government of Cuba its emphatic disapproval of the same and its firm conviction that a measure so inimical to the interests of the Cuban people will not be suffered by the Government of Cuba to be put into operation when that Government shall have given it final consideration.

KNOX.

File No. 837.6112/4.

The American Minister to the Secretary of State.

No. 343.]

AMERICAN LEGATION,
Habana, July 18, 1912.

SIR: In pursuance of the Department's telegraphic instruction of July 17, I have today addressed a note to the President of Cuba in regard to the Zapata Swamp Concession, of which I have the honor herewith to transmit a copy and translation.

I have [etc.].

A. M. BEAUPRÉ.

[Inclosure.—Translation.]

The Amcrican Minister to the President of Cuba.

No. 1041.]

AMERICAN LEGATION,
Habana, July 18, 1912.

MY DEAR MR. PRESIDENT: In pursuance of instructions from my Government, I have the honor to inform you that, upon such examination as my Government has been able to make of the so-called Zapata concession as contained in Decree No. 556, dated June 18 and published in the Gaceta Oficial of June 21, 1912, the project seems so clearly ill-advised and improvident and such a reckless wasting of public revenue and of natural resources which Cuba can ill afford to lose, that my Government is impelled to express to the Cuban Government its strong disapproval of the scheme and its firm conviction that, upon final consideration, the Cuban authorities will not suffer a measure so inimical to the interests of the Cuban people to be put into operation.

It affords me great pleasure, my dear Mr. President, to renew [etc.].

A. M. BEAUPRÉ.

File No. 837.6112/2.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Habana, July 19, 1912.

In accordance with your telegraphic instruction of July 17, and in the language thereof, I addressed a personal note to President

Gómez, who has just sent me a reply thereto of which the following is a translation:

My Dear Mr. Minister: I reply to your letter of yesterday addressed to me directly instead of through the Department of State—perhaps by way of unofficial advice or monition, for the protocol prescribes that Department as the channel of communication.

In that understanding, I wish only to tell you that Decree No. 556, of June 18 last, was issued in conformity with the laws in force in the exercise of the powers which those laws vest in me and in the fulfilment of my duty, on the strength of reports recommending such action as a measure in the interest of the salubrity of the territory involved and as highly beneficial to the country, in that it will bring about the cultivation of regions heretofore inundated and sterile.

The procedure resulting in the issuance of the decree has been long and minute, municipal and provincial authorities having reported favorably, as did also the Superior Board of Health; and the Government of Cuba has not wasted any revenues, nor granted realizable property, nor thrown away natural resources, but on the contrary will by its happy action convert an insalubrious and infected waste into an element of economic activity and national progress.

To bring into a state of production and to impart value to lands at present worthless has never anywhere in the world constituted, nor can it constitute, a loss or damage of any kind. The assertions to the contrary contained in your letter arise from a lack of knowledge of the necessary data of fact and law, or from ex parte statements of detractors or persons interested in creating a wrong impression. And doubtlessly attributable to these same causes is the frequent transmission through your Legation of contradictory advice to my Government concerning the work of its component branches in the same matter [sic].

I am, therefore, Mr. Minister, very far from believing that the project merits the condemnatory language of your letter.

On the other hand, Congress has requested, for investigation, and has been furnished with the administrative record; and any person whose interest may be unfavorably affected by the decree has recourse to the courts, which protect the rights of all. The Government of Cuba can not, in the exercise of powers inherent in the sovereignty of a free people, allow any supervision, interference or rectification [other] than that coming in proper form from either of those two branches, for the Platt Amendment and the Treaty which embodies it have no further scope than the following:

> The Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States now to be assumed and undertaken by the Government of Cuba.

This does not authorize or signify meddling [intromisión] in internal affairs, subjecting the acts of the administration to control or tutelage; for such a supervision or censorship would be destructive of the independence and dignity of the Republic, whose rights I can not allow to be restricted without incurring serious responsibility.

Just now the Government of which I am the head has shown its efficiency by preserving public peace and health in the face of rebellion and a fearful epidemic, and it fulfills all the obligations imposed by those pacts, which can not presuppose the renouncement of its power to legislate and administrate without the need of outside authorization or permission, nor the subordination of its judgment to extraneous orders, although coming from a nation to which Cuba is so fully grateful for its generous and correct conduct.

Nor did the Government of the United States help us to create the Republic in order later to despoil it of its sovereignty by systematic intervention in its internal affairs, interpreting the law of our mutual relations in the sense disclosed in the letter under reply, which would conduce to a régime incompatible with self-government and to a supervisory control not stipulated in our treaties.

And I have gone thus far into a discussion of the premises, Mr. Minister, because of your statement that you are acting in pursuance of instructions received from your Government. My Government defines the meaning and scope of the Platt Amendment and the Treaty of May 22, 1903, as these instruments would assuredly be defined by any jurisconsults who might examine their explicit text and by statesmen undesirous of violating our juridic status.

It affords me pleasure, my dear Mr. Minister, to renew to you the assurance of my highest consideration and respect.

José M. Gómez.

Besides the general tone of the above-quoted communication and the President's astounding observations as to our Government's rights in Cuba, in the original text there is a complete absence of the perfunctory polite phraseology so natural to the Spanish language and always hitherto employed by all members of the Cuban Government in their communications with me under all circumstances.

I respectfully call attention to the fact that tomorrow ends the thirty-day period of legal notice, and the President is likely to sign the contract immediately upon its termination, and urge that I be promptly instructed by telegraph.

Beaupré.

File No. 837.6112/3.

The American Minister to the Secretary of State.

American Legation,
Habana, July 20, 1912.

President Gómez spoke in his note (fourth paragraph) of the frequent transmission through this Legation of "contradictory advice" (consejos contradictorios) in this matter. It is superfluous perhaps to state that absolutely no representations or observations have been made by this Legation except in the note addressed to the President in obedience to the Department's instruction dated July 17.

Beaupré.

File No. 837.6112/2.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, July 20, 1912.

Reply to President Gómez as follows:

> I have telegraphed Your Excellency's note to my Government, which instructs me to inform Your Excellency that pending the announcement of its determination and purpose regarding the position of the Cuban Government as set forth in Your Excellency's note now under consideration, my Government must be understood, in accord with its attitude heretofore taken, as making full reservation in the premises.

Adee.

File No. 837.6112/5.

The American Minister to the Secretary of State.

No. 346.]

American Legation,
Habana, July 22, 1912.

Sir: Referring to previous correspondence in regard to the Zapata Swamp Concession, and particularly to my telegram of July 19, and the Department's reply of July 20, I have the honor to enclose herewith. in copy and translation, the text of President Gómez's note to me dated July 19 [1] and copy of my reply, dated July 20, sent in obedience to the Department's instruction. I had already sent to the Department, with my despatch No. 343 of July 18, a copy and translation of my first note to President Gómez on this subject.

I have [etc.]

A. M. BEAUPRÉ.

[Inclosure.]

The American Minister to the President of Cuba.

AMERICAN LEGATION,
Habana, July 20, 1912.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of yesterday's date.

I have by telegraph referred Your Excellency's note to the Government of the United States. The Department of State has replied, instructing me immediately to inform Your Excellency that, pending the announcement of its determination and purpose regarding the position of the Cuban Government as set forth in Your Excellency's note now under consideration, the Government of the United States must be understood, in accord with its attitude heretofore taken, as making full reservation in the premises.

I avail [etc.]

A. M. BEAUPRÉ.

File No. 837.6112/7.

The American Minister to the Secretary of State.

No. 359.]

AMERICAN LEGATION,
Habana, July 25, 1912.

SIR: Referring to previous correspondence in regard to the Ciénaga de Zapata concession, I have the honor to report that a bill was yesterday presented in the Senate with a view to preventing the further granting of State lands such as swamps, lakes, and other common property; the bill was referred to the Committee on Codes for report.

This measure is intended as a tardy remedy for the concession of the Zapata swamp.

Under the provisions of the bill, when lakes, swamps, and other property, whether the property of the State or of private individuals, should be declared a menace to public health by the Department of Sanitation, the necessary drainage and other sanitary work should be done by the State, the cost to be assessed against the property; in no case should grants of this character be made to any individual or corporation except by authority of Congress.

I have [etc.]

A. M. BEAUPRÉ.

File No. 837.6112/2.

The Secretary of State to the American Chargé d'Affaires.

No. 123.]

DEPARTMENT OF STATE,
Washington, August 15, 1912.

SIR: Referring to your [2] telegram dated July 10, 10 p. m., wherein you transmit to the Department a translation of a note received by you from the President of Cuba in response to your communication addressed to him regarding the proposed Zapata Swamp Concession, you are now directed to acknowledge this note, adding, after the acknowledgment, the following language:

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[1] Identical with text contained in the Minister's telegram of July 19, above.

[2] Mr. Beaupré's.

Without at this time attempting fully to set forth the position of the United States I am directed by the Secretary of State of the United States to present to Your Excellency the reply of the United States to your note under acknowledgment in the following language:

"Apart from any question as to the legality or illegality of the concessions and fiscal measures adopted or projected by the Cuban Government and objected to by this Government, it must be evident to the Cuban Government that if the apprehension of this Government as to the effect of these concessions and measures is well-founded, then it is inevitable that ultimately a situation will result requiring intervention by the United States. In any event this Government believes that the Cuban Government is pursuing a fiscal policy which will ultimately lead to a situation requiring intervention, and therefore, inasmuch as from the standpoint of both Governments intervention is not desired, it must be evident to the Cuban Government that the United States is not only justified but is acting in accordance with its rights and obligations in warning the Cuban Government against the course it is pursuing.

"The United States transferred the control of the Island of Cuba to a government organized in accordance with the provisions of the Constitution adopted by the people of Cuba recognizing certain rights on the part of the United States, among which are those set forth in Article III of the Appendix to the Cuban Constitution, which article, in accordance with a condition imposed by the United States at that time, under the authority of an Act of Congress, has since been embodied in the Treaty of May 22, 1903, between the United States and Cuba. This article which thus forms part of the fundamental law of Cuba as well as a treaty stipulation between the two Governments is in terms as follows:

> That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

"Clearly this right of intervention, which was accepted and recognized by the Cuban people in the manner above described, entitles this Government to caution the Cuban Government against adopting an improvident or otherwise objectionable fiscal policy on the ground that such policy might ultimately, either by itself or in connection with general conditions in Cuba, produce a situation there requiring the United States to intervene for any of the purposes recited in this article; so also it is clear that this Government would be justified for the same reasons in urging upon the Cuban Government the advisability of reforming and modifying any objectionable projects in order to guard in every possible way against the eventualities contemplated in this article.

"Furthermore, it is evident that in case intervention becomes necessary, questions will arise as to the legality of any concessions or fiscal measures which by their own consequences or in connection with general conditions in Cuba have made intervention necessary. The legality of such acts can not be permitted to go unchallenged, and the United States will be at liberty in the event of intervention to take such steps as may be appropriate and necessary to undo and redress any wrongs which the Cuban people may have suffered at the hands of the Cuban Government.

"For these reasons the Government of the United States feels that in Your Excellency's note under reply you have misinterpreted the purpose of this Government in expressing its disapproval of the particular concession under consideration, and that the expression of its objections to this and other concessions and measures affecting the financial condition of Cuba is justified by the apprehension which this Government feels as to the disastrous results which are threatened by the fiscal policy pursued by the Cuban Government and should not be regarded by that Government as unfriendly acts on the part of the United States.'"

I am [etc.]

P. C. KNOX.

File No. 837.6112/12.

The American Chargé d'Affaires to the Secretary of State.

No. 390.]

American Legation,
Habana, August 21, 1912.

Sir: I have the honor to acknowledge receipt of the Department's instruction No. 123 of the 13th instant, instructing me as to the reply to be made to President Gómez's note of the 19th ultimo in regard to the proposed Zapata Swamp Concession.

In reply I have the honor to report that I yesterday addressed a note to President Gómez in the language desired by the Department.

I have [etc.]

Hugh S. Gibson.

File No. 837.6112/13.

No. 401.]

American Legation,
Habana, August 27, 1912.

Sir: Referring to my despatch No. 390 of the 21st instant, and to previous correspondence in regard to the Zapata Swamp concession, I have the honor to enclose herewith a copy and translation of a note from President Gómez, dated the 23rd instant, in reply to the note which I addressed him on the 20th in pursuance of the Department's instruction No. 123, of the 15th.

The Department will note that in the fourth paragraph of his note, President Gómez draws a comparison between the terms of the note in acknowledgement and Mr. Beaupré's note of July 18th, which—although, as the Department will perceive by reference to Mr. Beaupré's despatch No. 343, of July 18, drafted in the language of the Department's telegraphic instruction—he seems to regard as unnecessarily harsh in tone and distortive of the "good-will and loyal sentiments" of the United States.

President Gómez also states in his note that he has repealed the Zapata decree, but as a matter of fact he has, as I am informed, merely "suspended execution", which it would seem may be accomplished at any time.

I have [etc.]

Hugh S. Gibson.

[Inclosure.—Translation.]

The President of Cuba to the American Chargé d'Affaires.

Office of the President,
Habana, August 23, 1912.

Mr. Chargé d'Affaires: I have had the honor duly to receive your note referring and in reply to my note of the 19th ultimo to his excellency Arthur M. Beaupré, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, answering the note which he had addressed me directly the day before.

I have duly noted the contents of your note, as well as the interpretation therein conveyed which the Government of the United States has through you seen fit to place upon Article 3 of the Appendix to the Cuban Constitution, from which your Government deduces the justification of its attitude towards the Cuban Government during the last few months and, particularly, in connection with a decree of mine which I have already repealed and one of the recent bills of Congress which I was prepared to veto.

The interpretation which your Government has placed upon Article 3 of the Appendix to our Constitution, as the basis for the assertion of certain rights and obligations upon its part, is very different from the interpretation of a true and proper conception of sovereignty which inspired my note of the 19th ultimo; but it would be idle at this time to reopen the question and make comparisons, especially when such an effort would not be productive of any appreciable utility.

Cognizant now of the sense in which your Government desires that we should regard its attitude, I am glad to know that none of its acts should be considered by us as inspired by other than the good-will and loyal sentiments which guide the United States in its relations with the Republic of Cuba. It seems to me, nevertheless, meet to call your attention and that of the Department of State at Washington to the fact that the noblest intentions and the most generous purposes may be distorted and made to appear otherwise, according to the form in which they are expressed; wherefore the notable difference is apparent at a glance between your note here in reference—notwithstanding that it expounds propositions of the gravest concern—and that of the 18th ultimo to which I duly replied, the text of which, had it been drafted by the Secretary of State of the United States, would in terms clearly have revealed the sentiments of affectionate cordiality towards Cuba which I am pleased to recognize on the part of the American nation and Government.

I desire you, Mr. Chargé d'Affaires, to communicate to your Government that the Cuban Government and I personally have never been animated by other than the most sincere purpose to maintain, and even to strengthen, the bonds of friendship and affection which fortunately have so long united the United States and Cuba for their common weal and happiness.

I avail [etc.]

José M. Gómez.

File No. 837.6112/14.

The American Chargé d'Affaires to the Secretary of State.

No. 434.]

American Legation,
Habana, September 20, 1912.

Sir: Referring to previous correspondence in regard to the Ciénaga de Zapata concession, I have the honor to enclose herewith copy of a letter and memorandum,[1] together with the accompanying blue print and pamphlet, handed me to-day by Mr. Isaac K. Champion, an American contractor of this city who states that he is interested in the company which seeks the concession. Mr. Champion says that he will in a few days submit the several papers mentioned in the memorandum as enclosures.

The blue print submitted shows the Ciénaga as lying, approximately, between Longitude 74° 15′ and 75° 30′, and—with a northerly curvature—Latitude 22° and 22° 30′. The land shown to the south, between the Ciénaga and the saltmarsh and sea, is the Peninsula de Zapata.

One of the objections to the concession was that the decree authorizing the grant did not seek to define the extent of the Ciénaga. This is important in view of the fact that hardly two maps show it alike, and many of them show it as extending all the way from Cienfuegos to Batabanó.

The chief objection to the concession was the opportunity that it apparently offered for the exploitation of timber resources. Mr. Champion says that there is no timber in the Ciénaga, and that the object of his company is exclusively to reclaim land for agricultural purposes. If this be true, and Mr. Champion's company is willing to waive in the concession all forestry rights and make the grant otherwise more specific, then practically the only objections which the Legation had in view when it reported upon this matter will have been removed.

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[1] Not printed.

I have [etc.]

HUGH S. GIBSON.

File No. 837.6112/16.

No. 450.] OCTOBER 1, 1912.

SIR: Referring to my despatch No. 434 of the 20th ultimo and to previous correspondence in regard to the Ciénaga de Zapata concession, I have the honor to transmit herewith enclosed (in compliance with the request of Mr. Isaac K. Champion) copy[1] of the opinion of his attorney as to the legality of the Zapata concession and copies[1] and translations of various communications addressed to the company and to the President of the Republic by municipal governments and property owners who express themselves as favoring the granting of the company's concession.

I have [etc.]

HUGH S. GIBSON.

File No. 837.6112/17.

The Acting Secretary of State to the American Consul General.

No. 306.] DEPARTMENT OF STATE,
Washington, October 24, 1912.

SIR: By Executive Decree No. 556 dated June 18, and published in the Gaceta Oficial of June 21, 1912, the President of Cuba granted to the Compañía Agricultora de Zapata, a concession for the reclamation of the Zapata Swamp. On July 17, the American Legation at Habana was instructed by telegram to address a note to the Government of Cuba in the sense of the following:

> After such an examination as the Department of State has found it possible to make, the Zapata Swamp project appears so clearly ill-advised and improvident and such a reckless wasting of revenue and of natural resources which the Government of Cuba can ill afford to lose, that the Government of the United States is impelled to express to the Cuban Government its strong disapproval of the scheme and its firm conviction that upon final consideration the Cuban authorities will not suffer a measure so inimical to the interests of the Cuban people to be put into operation.

To this the Government of Cuba replied, controverting the various allegations upon which the Department's opinion above stated was based and affirming that the concession is free from objection. About the middle of August, however, the Department was informed that President Gómez had repealed or suspended the decree granting the concession.

Recently, Mr. Isaac K. Champion, claiming to represent the concessionary company, has called at the Department and in continuation of his representations recently addressed to the Legation at Habana has, in an interview with the law officers of the Department, made answer to the various objections which have been leveled at the project, with a view to removing this Government's opposition.

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[1] Not printed.

He states that if this opposition is removed, the suspended decree will be revived and the concessionary company will undertake the projected work. His various statements have raised disputed issues of fact which he has been informed would be referred to Habana for investigation and report.

The Department accordingly transmits copies[1] of two letters received from Mr. Champion dated the third and eighth instant, which purport to sum up the conference between Mr. Champion and the law officers of the Department, and instructs you to make the desired investigation. In this investigation you will confer with the Legation, which has been instructed to cooperate with you. There is, of course, in the Legation's files a considerable record of the case up to the present time of which you may desire to make use.

It may be observed that, in view of the course which the matter has taken, you will realize that as a prerequisite to its final decision in the matter the Department desires the most careful and thorough investigation possible of the various issues raised, to the end that any action which it may hereafter take in the matter may be based upon a wholly satisfactory and adequate knowledge of the facts involved.

To clarify the issues for the investigation, the Department also encloses as a supplement to Mr. Champion's two letters mentioned herein before, a memorandum of the conference between Mr. Champion and the law officers of the Department with certain suggestions respecting the desired investigation.[1] You will understand, of course, that your investigations should not necessarily be confined to the issues presented in the enclosed memorandum, but properly should include any other considerations which may seem to you to be relevant and important.

If necessary, you may go to the Zapata region and there conduct such direct investigations as may seem to you advisable. Your report should be furnished to the Department at as early a date as practicable.

I am [etc.]

(For Mr. Wilson.)

Wilbur J. Carr.

File No. 837.6112/18.

The Secretary of State to the American Minister.

No. 159.]

Department of State,
Washington, October 28, 1912.

Sir: The Department has received your Legation's despatches No. 434 of the 20th ultimo, No. 450 of the 1st, and No. 462 of the 8th[2] instant, concerning the Zapata Swamp concession.

After receiving letters from Mr. Isaac K. Champion, claiming to represent the concessionary company, and holding a conference with him, the Department has instructed the American Consul General at Habana to make a further investigation of the matter and to report the result thereof to the Department. He has been directed to confer with you on the subject. You will afford him all necessary assistance and cooperation.

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[1] Not printed.

[2] Not printed; it merely transmitted a pamphlet defending the reclamation project, distributed by the concessionnaire.

I am [etc.]

P. C. KNOX.

File No. 837.6112/22.

The American Consul General to the Secretary of State.

No. 665.] AMERICAN CONSULATE-GENERAL,
Habana, October 30, 1912.

SIR: I have the honor to acknowledge receipt of the Department's instruction No. 306 of October 24, 1912, with the several inclosures, all relating to the concession originally granted to the Compañía Agricultora de Zapata.

In accordance with the instruction I will attempt an investigation and report upon the subject, but I must state in advance that in order to obtain the facts upon which a satisfactory conclusion as to the issues between the Department and the representative of the former concessionary company could be based, it will probably be necessary for me to go to the Zapata Swamp region, and perhaps into the swamp itself, which implies time, since until the dry season comes the district is practically inaccessible. But little light upon the matter could be gained in Habana, where of the actual conditions, characteristics and topography of the swamp about as much is known as of Central Africa.

However, I will gather such data as may be available here and in other cities, and later will inform the Department whether it will be necessary to go to the swamp. I do not believe that much haste in the matter is enforced by consideration of the interests of the would-be concessionary company, for I am well assured that no member of the group is anxious or in a hurry to go there, and I do not believe that any representative can get to work in the region in the immediate future unless he uses an aeroplane or hydroplane, or some such craft.

I have [etc.]

JAMES L. RODGERS.

File No. 837.6112/21.

No. 666.] NOVEMBER 2, 1912.

SIR: I have the honor to inform the Department that pursuant to the instruction in relation to a report upon the matter of the Zapata Swamp concession, I have arranged with Mr. Champion, of the concessionary company, to accompany me to the swamp, and will leave here, unless something unforeseen prevents, on November 10. I am sure that this is the only feasible method of reaching any definite conclusion about the general characteristics of the swamp. The more I have inquired into the matter in Habana the more convinced have I become that the information about the region extant in Habana is based upon the wildest hearsay and is more or less incorrect. At all events I do not consider it reliable, and although the trip to the swamp will naturally be a hard and difficult one, I prefer to make such investigation as may be possible rather than to trust to the opinions of those who have never seen it.

I will try to accomplish this journey in the smallest space of time possible and as soon as I return to Habana will endeavor to forward my report with little further delay.

I have [etc.]

James L. Rodgers.

File No. 837.6112/23.

No. 674.] November 20, 1912.

Sir: I have the honor, in obedience to the Department's instruction No. 306 of October 24, 1912, to transmit herewith my report[1] upon the matter of the concession granted to the Compañía Agricultora de Zapata, and the investigation of some of the territory indicated in the concession. To this work I have devoted considerable time and therein have sought every available source of information within my knowledge, as well as having gone into the swamp where by actual observation my own conclusions have been reached.

With the findings, as contained in the report, I am absolutely and thoroughly satisfied, representing as they do my sincere and honest opinion as well as an exactly truthful and unbiased statement of fact as the features appeared to me.

I have [etc.]

James L. Rodgers.

Note.—The conclusions of Mr. Rodgers' report are, briefly, that Mr. Champion's statements "as to the character of the area included in the provisions of the concession, the timber thereon and the difficulties to be encountered in reclamation * * * are almost exact. * * * The Ciénaga de Zapata is merely a great swamp * * *; it does not contain enough timber to pay the cost of even the effort to get it out under the most favorable conditions. * * * The opening of such an area to cultivation, if only for rice-planting * * * would be of great benefit. * * * There is every reason to believe that every intent in the matter is a legitimate one."

File No. 837.6112/25.

No. 675.] November 23, 1912.

Sir: I have the honor to state that I desire to make an amendment to my report upon the Zapata Swamp concession (Despatch No. 674 of November 20, 1912). It was stated that "on the face of the proposition it looks like a lucrative endeavor since the land values would certainly reach high figures and that shortly." I wish this to be understood as meaning that under a successful and economical drainage of the swamp the land for agricultural purposes would be valuable as it certainly would be rich. Assuming that the theory that the swamp can be drained successfully and economically is correct, the view I have given would be justified, but as there is yet no certainty about the matter either from an engineering or a financial standpoint, it is well, in the desire to do exact justice, to make this explanation, and I do it without solicitation from the interested parties of course, because they do not know the nature of my report.

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[1] Not printed, but see note following Mr. Rodgers' communication.

The land of the Ciénaga de Zapata as at present is absolutely worthless as an entirety, and it cannot be reclaimed unless a very large amount of money is spent, whether it is an easy or difficult engineering work. That much is sure.

I have [etc.]

James L. Rodgers.

File No. 837.6112/26.

Mr. Isaac K. Champion to the Assistant Solicitor of the Department of State.

[Telegram.]

Habana (*rec'd. Dec. 28, 1912*).

Very important to have immediate decision my affiair, delay losing us valuable time for survey. Please cable when I can expect decision.

Isaac Kay Champion.

File No. 837.6112/26.

The Secretary of State to Mr. Champion.

[Telegram.]

Department of State,
Washington, December 30, 1912.

Your telegram to Assistant Solicitor Hart received. Department expects to have in about a week a conference with Mr. Rodgers, now in this country, and hopes to make its decision shortly thereafter.

Knox.

DENMARK.

IMPOSITION IN THE UNITED STATES OF AN INHERITANCE TAX ON NON-RESIDENT DANISH HEIRS. APPLICATION OF ARTICLE 7 OF THE TREATY OF 1826 BETWEEN DENMARK AND THE UNITED STATES.

File No. 811.5124/5.]

The Danish Legation to the Department of State.

[Memorandum.]

According to the statutes of the State of Iowa, an inheritance tax of 10–20% is imposed on inheritance of property left in that State when the heirs are non-resident aliens, in addition to the tax of 5% imposed on heirs either United States citizens or resident aliens of the same degree of kinship to the decedent.

In the estate of the late Ane Margrethe Andersen, born Hansen, of which C. L. Hansen is an administrator, and which estate, with will, is now before the District Court of Iowa in and for Mitchell County, the State Treasurer of Iowa claims the right to impose upon the portion of the estate to be distributed amongst heirs residents of Denmark, a collateral inheritance tax of 15%+5%, or 20%.

The attention of the State Treasurer has been called to the terms of Article 7 of the Convention of Commerce and Navigation concluded between Denmark and the United States on April 26, 1826, which reads as follows:

> The United States and His Danish Majesty mutually agree that no higher or other duties, charges or taxes of any kind shall be levied in the territories or dominions of either party, upon any personal property, money or effects of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money or effects or otherwise, than are or shall be payable in each State upon the same, when removed by a citizen or subject of such State, respectively.

Against the application of this article, to the effect of placing the said Danish heirs on equality of right with citizens or subjects of the United States, and therefore also citizens or subjects of the State of Iowa, the State Treasurer of that State makes the claim that in comparatively recent cases construing collateral inheritance tax statutes and treaties, such as the one referred to, it has been held that the treaty does not apply to the estate of a citizen or subject of the United States dying at home and leaving property here to subjects of the foreign country.

The State Treasurer further states that article 7 of the Danish-American convention relates to property belonging to citizens of Denmark that may be located in the United States and passes as an inheritance to subjects of Denmark; but that it does not apply where the owner of the property is a subject of the United States, owning property here that passes to subjects of Denmark.

Against this decision the Danish Minister hereby has the honor to enter a protest.

This protest is based,

1. upon the wording of said Article 7, which does not consider the status of the testator, *but merely that of the legatee.* It is *the freedom of removal of property* that is mutually assured, for the benefit of the person in whose favor the transfer of "personal property, money or effects," "upon inheritance or otherwise" takes place, on terms of equality with citizens or subjects of the State from which such removal is made;
2. upon the fact that this same article has, in several previous cases, been respected in the sense as mentioned under 1; not only in other States (Washington for instance) but even previously in the State of Iowa, in consequence of consular representations.

The Danish Minister, being of the opinion that the question under contention is one over which the State courts have no exclusive authority, ventures to submit the case to the consideration of the Department of State, with the respectful request that such action as can properly be taken by the Federal authorities be taken for information as to the position of the United States of America as one party to the convention above referred to in regard to the question involved.

THE DANISH LEGATION,
Washington, January 27, 1912.

File No. 811.5124/6.]

[Memorandum.]

In continuation of the memorandum of this Legation dated the 27th ultimo, in regard to the interpretation of Article 7 of the Danish-American Convention of Commerce and Navigation in its application to the case now pending before the District Court of Iowa, for the settlement of the estate of Ane Margrethe Andersen, the Danish Minister begs to submit the following supplementary information, proving that the claim of the Consul of Denmark at Chicago, with jurisdiction over the State of Iowa, to equality of treatment of non-resident Danish heirs with resident heirs, has on a previous occasion been acceded to by the proper authorities.

The estate in question then was that of Jens Andersen, before the District Court of Pottawattamie County, State of Iowa. The non-resident Danish heirs were brother and sister of the deceased. An extra inheritance tax was imposed of 5%. Counsel for the Danish Consulate, Messrs. Harl and Tinley of Council Bluffs protested against this assessment, basing such protest on the text of the said Article 7; and on November 30, 1908, Messrs Harl and Tinley were able to report to their representative in Chicago, Messrs Bastrup & O'Neil, 323 Reaper Block, the successful result of their protest, by the letter which is given in extract as follows:

Gentlemen: In re Estate of Jens Andersen. In the above-entitled estate our contention with reference to the amount of inheritance tax was presented to the State Treasurer, and he concedes the obligation to pay upon the same basis of [sic] a resident of this State. * * * Yours truly, (signed) Harl & Tinley.

In that case, consequently, the State Treasurer agreed with the views as presented by the Consul of Denmark.

THE DANISH LEGATION,
Washington, February 2, 1912.

The Department of State to the Danish Legation.

[Memorandum.]

The Department of State has the honor to acknowledge the receipt of the memorandum of the Danish Legation, dated the 27th ultimo, in regard to the interpretation of Article 7 of the Treaty of April 26, 1826, between the United States and Denmark, in connection with the settlement and distribution of the estate of Ane Margrethe Andersen, now before the Mitchell County (Iowa) District Court.

In reply the Department of State has the honor to advise the Danish Legation that this case is receiving the attentive consideration of this Government, and that the Legation will be informed of the result at the earliest practicable moment.

DEPARTMENT OF STATE,
Washington, February 7, 1912.

File No. 811.5124/8.]

The Danish Legation to the Department of State.

[Memorandum.]

The final report to the District Court of the State of Iowa, in and for Plymouth County, from the Administrator of the Estate of Metta K. Peterson, deceased, a resident of Le Mars, Plymouth County, Iowa, was subscribed and sworn to by the Administrator, Frank Spiecker, on the 26th day of December, 1911, before Nelson Miller, Notary Public in and for said Plymouth County, Iowa.

The Administrator's report states in part:

> That all of said estate passes collaterally. That the inheritance tax levied by the State of Iowa in such cases has been paid to the Treasurer of the State of Iowa at Des Moines, and the Treasurer's receipt for the same is filed in the office of the Clerk of this Court.

The report furthermore states:

> That one of the heirs of said estate, viz: Karoline Krag, lives in Copenhagen, Denmark. That the rate of inheritance tax upon that portion of said estate inherited by her is 10%, and the total amount of said tax was, on her share, $711.06. That another of the heirs is Marie Johanson, lives in Germany, and by virtue of treaty covenants with the German Empire the tax on her portion is 5%, and the total sum $355.53. That the remaining heir, P. H. Schmidt, lives in Iowa, and the amount of tax on his portion is $355.53.

The reason for the higher taxation of the heir living in Copenhagen, Denmark, is not given in the Administrator's report, whereas a letter from Nelson Miller, lawyer, First National Bank Building, Le Mars, Iowa, dated January 19th, 1912, and addressed to M.

Godskesen, attorney, Copenhagen, Denmark, on the same matter says in part:

> The tax on the share going to Germany and on that remaining in Iowa is only 5%, and therefore you will see from the papers that Mrs. Krag gets $355.53 less than either one of the other two heirs. The reason for this is that the treaty between Germany and the United States forbids this country from taxing German citizens any larger sum than it does its own citizens, whereas the treaty with Denmark makes no such provisions.

If the higher taxation as used against the Danish heir is based on the view as expressed by Mr. Miller, it rests on an error. Renewing his protest contained in the memorandum of this Legation of January 27th, 1912, in regard to the estate of the late Ane Margrethe Andersen, now before the District Court of Iowa, in and for Mitchell County, and referring to the subsequent memorandum of February 2nd, 1912, the Danish Minister has the honor to submit the case of Karoline Krag to the consideration of the Department of State with the respectful request that such action as can properly be taken by the Federal authorities, be taken, in order to obtain the reimbursement of the sum of $355.53 to said Karoline Krag, this amount having been levied in excess of what can lawfully be levied in accordance with Article 7 of the Convention of Commerce and Navigation concluded between Denmark and the United States on April 26th, 1826, and which reads as follows: [Article 7 of the treaty is here quoted, as in the first foregoing memorandum.]

LEGATION OF DENMARK,
Washington, April 17, 1912.

File No. 811.5124/8.]

The Department of State to the Danish Legation.

[Memorandum.]

The Department of State has the honor to acknowledge the receipt of the memorandum of the Danish Legation, dated the 17th instant, in regard to the interpretation of Article 7 of the Treaty of April 26, 1826, between the United States and Denmark, in connection with the settlement and distribution of the estate of Metta K. Peterson, deceased, now before the District Court of Iowa for Plymouth County.

The Department of State has the honor to advise the Danish Legation that this case is receiving the attentive consideration of this Government, and that the Legation will be informed of the result at the earliest practicable moment.

DEPARTMENT OF STATE,
Washington, April 23, 1912.

File No. 811.5124/10.]

The Assistant Attorney General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, April 30, 1912.

SIR: Referring again to your letter of the 26th of February,[1] in connection with the settlement and distribution of the estate of Ane

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[1] Not printed.

Margrethe Anderson, I beg to enclose for your information copy of a letter dated the 22nd instant from the United States Attorney for the Northern District of Iowa, reporting the status of the intervening petition filed by him.

Respectfully,

(For the Attorney General)
Winfred T. Denison,
Assistant Attorney General.

[Inclosure.]

The United States Attorney for the Northern District of Iowa to the Attorney General.

Office of the United States Attorney,
Storm Lake, Iowa, April 22, 1912.

Sir: Replying to your favor of April 18th[1] in regard to the proceedings in the estate of Ane Margrethe Andersen in the District Court of Iowa in and for Mitchell County, I would say that agreeable to your instructions, I have filed a petition of intervention, to which the Treasurer of Iowa has filed a demurrer, claiming that the United States has no right to intervene and that the treaty in question does not apply to a case where a subject of the United States dies and leaves property to a subject of Denmark and that the tax imposed by the State is on the succession to the property and not upon its removal.

I expect to submit the matter to said court during the term which convenes April 29th and will report to you promptly what action is taken in the matter.

Yours very truly,

F. F. Faville,
U. S. Attorney.

File No. 811.5124/9.]

The Department of State to the Danish Legation.

[Memorandum.]

Referring to the memorandum of the Legation of Denmark, dated April 17, 1912, the Department of State has the honor to advise the Legation of the receipt of a letter of the 26th ultimo[1] from the Department of Justice stating that, in compliance with the request of the Department of State, instructions had been issued to the United States Attorney at Sioux City, Iowa, to endeavor to obtain the reimbursement of Karoline Krag, a resident of Denmark, of $355.53, in connection with the settlement of the estate of Metta K. Peterson, which seems to be the amount levied in excess of the rate of taxation contemplated by the Treaty of April 26, 1826, between the United States and Denmark.

Department of State,
Washington, May 15, 1912.

File No. 811.5124/11.]

The Secretary of State to the Minister of Denmark.

No. 170.]

Department of State,
Washington, June 12, 1912.

Sir: In further reply to your Legation's memorandum of April 17 last, in the matter of the inheritance tax on the share of the estate of Metta K. Peterson inherited by Karoline Krag, a Danish subject, of Copenhagen, I have the honor to advise you that the Department is in receipt of a report on this case from the Attorney General, from which it appears that the tax has been paid and the administration closed, Karoline Krag, by her attorney, having signed a receipt for "all money and other property to which I am [she is] entitled in said matter in full." Under these circumstances the Attorney General doubts whether Karoline Krag would have sufficient ground upon which to base a suit for the recovery of the inheritance tax, even under an Iowa State statute permitting the correction of mistakes in probate proceedings by a suit in a court of equity, as the court would be likely to consider that the plaintiff, having receipted in full for her share of the estate, after a final report had been properly filed with the Probate Court by the administrator, and due notice thereof given to the heirs, is estopped from questioning the proceedings of the Probate Court.

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[1] Not printed.

If, however, Karoline Krag desires to institute proceedings under this statute in a court of equity, this Department understands that the Department of Justice will be glad, if need be, to assist her attorney in every proper way during the progress of the suit.

Accept [etc.].

P. C. Knox.

File No. 811.5124/16.]

The Assistant Attorney General to the Secretary of State.

Department of Justice,
Washington, August 15, 1912.

Sir: Referring to your letters[1] of February 7 and April 23, 1912, and subsequent correspondence, relating to certain inheritance taxes sought to be collected by State officials in Iowa upon the shares of the estates of Ane Margretha Andersen and Metta K. Peterson, bequeathed to residents of Denmark, I have the honor to enclose for your information and for an expression of your wishes as to the further action, if any, to be taken with respect thereto, a copy of a letter of the 8th instant from the United States Attorney for the Northern District of Iowa, and with it a copy of the order of the District Court of Mitchell County, Iowa, holding against the contention of the Government in the case of the Andersen estate.

The United States Attorney is of the opinion that there is sufficient merit in the contention of this Government to justify an appeal to the Supreme Court of the State in the Andersen case.

There is also enclosed for your information a copy of a letter of the 10th instant from the United States Attorney for the above named district, relating to the estate of Metta K. Peterson. This case involved the same question as is involved in the estate of Mrs. Andersen, except that the Peterson case has been fully settled and the administrator discharged; the only step that can be availed of now is to apply to the Executive Council for the refund of the tax.

In view of the fact of the final closing of the Peterson estate, the beneficiaries having receipted in full for their shares, the United

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[1] Not printed.

States Attorney thinks the Government can not secure any legal standing with respect thereto.

Respectfully, **W. R. Harr.**

[Inclosure 1.]

United States Attorney for the Northern District of Iowa to the Attorney General.

Office of the United States Attorney,
Storm Lake, Iowa, August 8th, 1912.

Sir: Referring to the matter of the estate of Anne [sic] Margretha Andersen, in the District Court in and for Mitchell County in this District, I would say that on Feb. 17th you sent me a memorandum of the Danish Legation addressed to the Secretary of State and his letter to the Attorney General in regard to an inheritance tax sought to be collected by the Treasurer of the State of Iowa from the share of the estate of said decedent which passed under the terms of the will to beneficiaries who are residents and citizens of the Kingdom of Denmark. Acting under your instructions I intervened in behalf of the United States in said matter and set up the treaty of 1826 between the United States and Denmark and thereupon the State Treasurer of Iowa demurred to said petition of intervention and the demurrer was presented on extended oral argument to the court.

I am just in receipt of an order from the court in which he holds against the contention of the Government and that the terms of the treaty with Denmark do not apply in this case. I enclose herewith a copy of the findings of the court in said matter.

The only way that this can be reversed is by appeal to the Supreme Court of the State of Iowa. I am of the opinion that there is sufficient merit in the contention of the Government in this regard to justify the appeal.

Please advise me of your further wishes in the matter.

Yours very truly,

F. F. Faville.

[Sub-inclosure.]

Order of the District Court of Mitchell County, Iowa, holding against the contention of the Government in the case of the Andersen estate.

In the matter of the Estate of Anne [sic] Margrethe Andersen, deceased.

This is a proceeding in probate to close the estate of the decedent, Mrs. Anderson [sic]. She died testate in said county September 16, 1909, being a citizen and resident of the county at the time. Her will was duly probated. The executor named therein died before the estate was closed and C. L. Hansen was appointed administrator with the will annexed. He has made his final report and asks to be discharged upon making distribution as provided in the will. The estate consists of a house and lots in Osage and certain personal property. Decedent was a widow without direct issue at the time of her death. The will provided for payment of debts and legal charges, makes some small devises not involved in this action, and directs the executor to sell the real estate and pay the remaining proceeds of the real and personal estate to the sons and daughters of two deceased sisters and a deceased brother, all of whom are citizens and residents of Denmark. The executor died without selling the real estate. The administrator with the will annexed made the sale under order and approval of the Court. The Treasurer of State claims a collateral inheritance tax of 20% on the net proceeds going to the beneficiaries in Denmark because of the fact that they are non-resident aliens, and the final report is made upon that basis. They have filed written objections to the payment of more than a 5% tax, and base their claim on Article Seven of the "Treaty of Friendship, Commerce and Navigation" entered into by the United States and Denmark in 1826. [Article seven is here quoted; see the first paper of this correspondence.]

The United States Attorney for the Northern District of Iowa has filed a petition of intervention on the part of the United States making the same claims under the treaty as made by the foreign beneficiaries in their objections to the payment of more than a 5% collateral inheritance tax. The Treasurer of State has demurred to the petition of intervention and therein challenges the right of the United States to make intervention because of want of sufficient legal interest in the controversy. The conclusion which I have reached on the merits of the controversy makes it unnecessary for me to decide whether or not the United States has sufficient interest to authorize intervention. But I have considered all the arguments and authorities presented the same as I would if the right to intervene were not questioned.

The language of Article Seven of the treaty in question is extremely vague and uncertain. In such cases it is the law as stated by Justice Field in Geofroy *v.* Riggs, 133 U. S. 258, 271; 33 L. Ed. 642, 646. "It is a general principal [sic] of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intention of the parties to secure equality and reciprocity between them." Applying this principal [sic] of construction can it be reasonably said that the parties to the treaty in question intended that Article Seven should apply to the rights of citizens or subjects of one nation to inherit or take by will from citizens or subjects of the other? Nothing is said in the title or enacting clause of the treaty in reference to inheritance or succession. Nor is anything said on these subjects in Article Seven except the words "either upon the inheritance of such property, money, or effects or otherwise." Standing alone this clause gives color to the claims of the foreign beneficiaries. But considered with the other language of the article and of the entire treaty the construction favoring the claims of the objectors does not seem warranted or reasonable. The clause quoted when considered with all the rest of the treaty seems more reasonably to mean, "whether the owner acquired such property, money or effects by inheritance or otherwise." All other portions of the article appear to treat of the removal of property of the kind stated from the territory of one of the contracting nations by the owner thereof when he is a citizen or subject of the other nation and residing outside the country from which the property is removed. The words "removal" and "removed" are found just before and just after the clause quoted. And that clause seems to be parenthetical in its construction. The whole article seems to treat of the subject of removal of property from the domain of one of the contracting parties and not of the right of succession or inheritance. My conclusion is that Article Seven of the treaty in question does not apply to the controversy herein.

The objections of the beneficiaries under the will of the decedent to the final report of the administrator with the will annexed are overruled, to which each of them excepts. The demurrer of the Treasurer of State to the petition of intervention of the United States is sustained. The United States excepts. It declines the [sic] plead further and gives notice that it elects to stand upon the ruling on the demurrer.

The final report of the Administrator with the will annexed is approved. He is directed to pay to the Treasurer of State a collateral inheritance tax of 20% of the portions of the estate going to the non-resident alien beneficiaries under the will of the decedent and make distribution of the remainder thereof to them as provided in the will. All parties except.

Dated Osage, Iowa, August —, 1912.

——— ———,
Judge.

[Inclosure 2.]

United States Attorney for the Northern District of Iowa to the Attorney General.

OFFICE OF THE UNITED STATES ATTORNEY,
Storm Lake, Iowa, August 10, 1912.

SIR: I write you regarding the tax imposed by the State of Iowa on the estate of Meta K. Peterson, formerly a resident of Le Mars, Plymouth County, Iowa.

This case involved the same question as the matter of the estate of Anne Margrethe Andersen in Mitchell County in this District, except that the Peterson case has the further complication of the estate having been fully settled and the administrator discharged and therefore, the only steps that can be taken in the matter is by an application to the Executive Council for a refund of the tax.

I wrote you yesterday regarding the decision of Judge Clyde in the State court in the Anne Margrethe Andersen case in which he construes the treaty of 1826 adversely to the contention of the Government and holds that the estate is subject to the tax of 20 per cent. If this decision stands, it would control the Peterson case.

I have withheld instituting any proceedings or making an application to the Executive Council pending the decision of this case in Mitchell County and in view of that decision, I submit the matter to you for further instructions before proceeding further.

I am very doubtful if we can secure any legal standing in any event in the Peterson case, for if the Executive Council would refuse to refund, I do not think there would be any right of appeal to any court, and the estate having been fully closed with notice to the alien beneficiaries and they having receipted in full for their share in the estate, I am of the opinion that they are estopped to maintain any action to recover for this tax and if they are out of court, it will necessarily follow that the Government could obtain no standing in the case.

Will you kindly advise me further in the matter and oblige,

Yours, very truly,

F. F. Faville.

File No. 811.5124/19.]

The Minister of Denmark to the Secretary of State.

Legation of Denmark,
Washington, October 24, 1912.

Mr. Secretary of State: Referring to the memorandum of the Department of State addressed to this Legation on February 7th, 1912, with regard to the interpretation of Article 7 of the Treaty between Denmark and the United States of April 26th, 1826, I beg to state that the question of the rate of the inheritance tax on the estate of the late Ane Margrethe Andersen having been decided against the heirs in the District Court of Iowa, the case will be appealed, on behalf of the said heirs, to the Supreme Court of the State of Iowa.

I am directed by my Government to ascertain whether, in case the decision of the Supreme Court of Iowa should also go against the heirs, an appeal to the Supreme Court of the United States would be possible, and I should feel greatly obliged to your excellency for submitting this question to the competent official and informing me of his reply.

I have [etc.].

C. Brun.

File No. 811.5124/21.]

The Secretary of State to the Minister of Denmark.

No. 3.]

Department of State,
Washington, November 20, 1912.

Sir: Referring to your note of the 24th ultimo, in further relation to the interpretation to be placed upon Article VII of the Treaty of April 26, 1826, between the United States and Denmark, in connection with the question of the rate of the inheritance tax in Iowa on the estate of the late Ane Margrethe Andersen, I have now the honor to advise you of the receipt of a letter of the 13th instant from the Department of Justice, wherein, with reference to the inquiry made by you, it is stated that, while expressing no definite conclusion in the matter, that Department is inclined to the opinion that an appeal to the Supreme Court of the United States would be possible[1] in the event that the Supreme Court of Iowa rendered a decision adverse to the Danish heirs.

Accept, Sir, the renewed assurance of my highest consideration.

P. C. KNOX.

File No. 811.5124/22.]

The Acting Attorney General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, November 21, 1912.

SIR: Referring to previous correspondence had with you, I have the honor to inclose for your information a copy of a letter of the 18th instant from the United States Attorney for the Northern District of Iowa, relating to the proceedings in one of the courts of the State involving the imposition of an inheritance tax in connection with the estate of Ane M. Andersen. The Danish heirs have not yet authorized counsel to prosecute an appeal in their behalf.

The United States Attorney thinks there is no doubt that such a Federal question is involved as will permit an appeal to the Supreme Court of the United States from an adverse decision of the Supreme Court of the State of Iowa.

Respectfully,

JESSE C. ADKINS.

[Inclosure.]

Attorney for the Northern District of Iowa to the Attorney General.

OFFICE OF THE UNITED STATES ATTORNEY,
Storm Lake, Iowa, November 18, 1912.

SIR: Referring to your letter of Nov. 12th[2] in regard to the collateral inheritance tax in the estate of Anne [sic] M. Anderson, I would say that I have written the Danish Consul, at Chicago, who has power of attorney from these nonresident alien heirs for authority to prosecute the appeal in their behalf. I do not think that the Government, on its own petition of intervention, can obtain any standing in the Supreme Court on appeal, unless the heirs, who are the direct parties at interest, prosecute the appeal in their own behalf.

They have not yet joined in the appeal and I have delayed taking the appeal, waiting advice from them to the effect that they would so join. If they decide to appeal the case, I would proceed to prosecute the appeal in behalf of the United States as intervenor. I think that there is such a Federal question involved that there is no doubt of the right to appeal from any adverse decision of the Supreme Court of Iowa to the Supreme Court of the United States.

Yours very truly,

F. F. FAVILLE.

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[1] Under sec. 237 of the Judicial Code.

[2] Not printed.

DEATH OF KING FREDERIK VIII, AND ACCESSION OF KING CHRISTIAN X.

File No. 859.001F87/4.]

The Minister of Denmark to the Secretary of State.

LEGATION OF DENMARK,
Washington, May 15, 1912.

MR. SECRETARY OF STATE: I have the honor to fulfill the painful duty of informing your excellency that His Majesty my August Sovereign, King Frederik the VIII, died last night in the city of Hamburg (Germany), while on a journey to regain His health.

Please accept [etc.]

C. MOLTKE.

The Acting Secretary of State to the Minister of Denmark.

No. 164.]

DEPARTMENT OF STATE,
Washington, May 15, 1912.

I have the honor to acknowledge the receipt of your note of this day's date by which you officially convey the sad intelligence of the death last evening at Hamburg of His late Majesty, King Frederik VIII.

The President, to whom the information has been conveyed, has, in a telegram to King Christian X, expressed the deep sympathy of the people and Government of the United States in this sad bereavement which has befallen the people of your country, as well as his personal sympathy and heartfelt wishes for the continued prosperity of the Danish people under King Christian's reign.

Accept, Sir, [etc.]

HUNTINGTON WILSON.

File No. 859.001F87/6A.]

The Acting Secretary of State to the American Minister.

[Telegram. Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 15, 1912.

A telegraphic message of sympathy has been sent by the President to His Majesty King Christian. You will suitably express to the Minister for Foreign Affairs the sympathy of the Secretary of State. You will send a wreath to the funeral services, in the name of the President.

WILSON.

File No. 859.001F87/6.]

The King of Denmark to the President of the United States.

[Telegram.]

LYNGBY, *May 16, 1912.*

I am most grateful for your kind expression of sympathy in the profound grief caused by the death of the King, my deeply lamented father.

CHRISTIAN R.

File No. 859.001F87/7.]

The Secretary of State to the American Chargé d'Affaires.

[Telegram.]

DEPARTMENT OF STATE,
Copenhagen, May 21, 1912.

In view of the absence of Mr. Egan and impossibility of sending a Special Representative, owing to lack of time, you will consider this your credentials as Special Envoy for the funeral ceremonies. Explain situation to Foreign Office.

KNOX.

File No. 859.001F87/10.]

The Minister of Denmark to the Secretary of State.

LEGATION OF DENMARK,
Washington, July 9th, 1912.

MR. SECRETARY OF STATE: By direction of my Government I have herewith the honor to transmit to your excellency the letter in original and copy, by which His Majesty my August Sovereign notifies His succession to the Throne and the death of His Majesty King Frederik VIII, to the President of the United States.

I have the honor to request that your excellency will be so good as to cause this letter to be laid before the President.

Please accept [etc.].

C. MOLTKE.

[Inclosure.]

The King of Denmark to the President of the United States.

GREAT AND GOOD FRIEND: I comply with the saddest of duties in announcing to You the death of my well-beloved and deeply venerated Father, King Frederik VIII, suddenly deceased at Hamburg the 14th of last May in His 69th year, after a reign of six years. I am sure that You will sympathize with me on this sad occasion, which overwhelms me with profound sorrow and spreads mourning throughout the nation.

Called, in the order of succession, to the throne of Denmark, I beg You to belief that I shall take every means of cultivating more and more the good relations that exist between Denmark and the United States of America.

I seize this occasion to express to You the assurance of the esteem and friendship with which I am, Great and Good Friend,

Your Sincere Friend,

CHRISTIAN R.

COPENHAGEN,
June 21, 1912.

File No. 859,001F87/10.]

The Secretary of State to the Minister of Denmark.

No. 173.]

LEGATION OF DENMARK,
Washington, July 17, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, with which you transmit a letter, with office copy, addressed to the President by His Majesty King Christian X., announcing his accession to the throne of Denmark.

In reply I have the honor to say that His Majesty's letter has been laid before the President's [sic] whose reply will, in due course, be forwarded through the American Legation at Copenhagen.

Accept [etc.]

P. C. KNOX,

The Acting Secretary of State to the American Minister.

No. 161.]

DEPARTMENT OF STATE,
Washington, August 21, 1912.

SIR: I enclose, with office copy, a letter addressed by the President to the King of Denmark, acknowledging His Majesty's letter of June 21st last, in which he informed the President of the death of King Frederik VIII, and his accession to the throne.

You will forward the copy to the Foreign Office and deliver the original in the manner most agreeable to His Majesty.

I am [etc.]

ALVEY A. ADEE.

[Inclosure.]

The President of the United States to the King of Denmark.

THE WHITE HOUSE,
Washington, July 23, 1912.

GREAT AND GOOD FRIEND: I have received the letter of the 21st of June last, in which Your Majesty informed me of the death, on the 14th of May, of your dearly beloved father, His Majesty King Frederik VIII, and your accession to the throne.

In expressing my sincere and heartfelt sympathy for Your Majesty's Family and the people of Denmark in their sad bereavement, I must at the same time convey to you a knowledge of the satisfaction with which I received the announcement that you had ascended the throne, and I assure Your Majesty that your wishes for the continuance of the friendly relations subsisting between the two countries are fully appreciated and cordially reciprocated.

May God have Your Majesty in His safe and holy keeping.

Your Good Friend,

WM. H. TAFT.

PRESENTATION OF A PARK TO THE DANISH GOVERNMENT BY AMERICAN CITIZENS OF DANISH DESCENT..

File No. 859.155D22.]

The Secretary to the President to the Secretary of State.

THE WHITE HOUSE,
Washington, January 6, 1912.

MY DEAR MR. SECRETARY: We are in receipt of information to the effect that Mr. Max Henius, Secretary of the Wahl-Henius Institute of Fermentology of Chicago, secured options on a picturesque part of the Danish Heath in July, 1909, and that American citizens of

Danish descent have subscribed $10,000 with which they have purchased 400 acres of land in Jutland, about 20 miles from the old city of Aalborg. The reservation, it appears, has been christened the "Danish-American Park," and in August, 1912, it will be dedicated to the Danish Government, to be at all times open to the public, with the stipulation that on the 4th of July of every year the park will be given over to Americans, who will hoist their country's flag for the Independence Day celebration. This festivity will occur in Copenhagen, where an American delegation will present the deed to the King of Denmark in the presence of a special representative of the United States. The suggestion has also been made that the President permit the use of his name as the Honorary President, with the understanding that Count Moltke and Dr. Egan will be the Honorary Vice Presidents.

The President has asked me to send this information to you and to say that if there is no objection to this proposal on the part of your Department, he has none. Will you please let the President have your views on this subject?

Sincerely yours,

Charles D. Hilles.

File No. 859.155D22/3.]

The Secretary of State to the Secretary to the President.

Department of State,
Washington, January 24, 1911.[1]

My Dear Mr. Hilles: On the 6th instant you wrote me that [etc.]. In reply I beg to say that as the Department had no knowledge of the plan in question I cabled to our Minister at Copenhagen to make inquiries as to same and he now informs me that the King will be very glad to accept, in the name of the Danish Government, the gift in question. Not only can I see no objection to the President's permitting the use of his name as Honorary President of the American delegation, which will present the deed, but I think it would be in every way advisable for the President to accept.

Sincerely yours,

P. C. Knox.

File No. 895.155D22/5.]

The Acting Secretary of State to the American Minister.

Department of State,
No. 140.] *Washington, February 17, 1912.*

Sir: The Department has read your No. 509 of January 29, 1912,[2] with reference to the suggestion that the President of the United States be made the Honorary President, and Count Moltke and you Honorary Vice Presidents in connection with the presentation to Denmark of a tract of land bought by the Danish-American Society in Jutland, and in reply informs you that the President has accepted the invitation of the Danish-American Society.

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[1] Should be 1912.

[2] Not printed.

I am [etc.].

HUNTINGTON WILSON.

File No. 859.155D22/7.]

The President to the American Minister.

THE WHITE HOUSE,
Washington, July 8, 1912.

MY DEAR MR. MINISTER:

On the occasion of the presentation to His Majesty King Christian of a deed to the Danish-American National Park, to take place at Marselisborg Castle on August 3rd next, I desire that you convey in my name as Honorary President of the Association and in the name of the people of the United States my warmest greeting to King Christian and to the Danish nation.

It is with great pleasure that I have witnessed the action of the American citizens of Danish birth in this country in acquiring a tract of 400 acres of land near Aalborg for the purpose of establishing a Danish-American National Park to be dedicated to the Danish Government and to be at all times open to the public.

I am gratified to be identified with this act in my capacity as Honorary President of the Association.

I recognize in it a concrete expression of the cordial relations which have always existed between the Danish and American peoples and which are today based more firmly than ever on friendship, understanding and mutual esteem.

On this happy occasion I desire you to convey to His Majesty and to the Danish people my sincere wishes for his happiness and welfare and the continued prosperity of the Danish nation.

Sincerely yours,

WM. H. TAFT.

File No. 859.155D22/11.]

The American Minister to the Secretary of State.

No. 598.

[Extract.]

AMERICAN LEGATION,
Copenhagen, August 8th, 1912.

SIR: I have great pleasure in reporting the success of all the ceremonies surrounding the presentation of the deed of the Danish-American National Park, at Rebild Hills, Denmark, to His Majesty King Christian on Sunday, August 4th, at 12 o'clock. * * * We had made the trip to Aarhus on Saturday night, the King's country house at Marselisborg being only a short distance from this city. Their Majesties, the King and Queen of Denmark, with the young Crown Prince Frederick and his brother Prince Knud received us in the drawing-room of the country house. I read the President's letter to His Majesty, to which he replied, as follows:

> It is with the greatest pleasure I have heard the words you have addressed to me in the name of the President of the United States of America, words in

which I see a new testimony of the friendship and understanding existing between the Danish and American peoples. I beg you to bring Mr. Taft my heartfelt thanks for the interest he has taken in the realization of the plan of acquiring the tract of "Rebild Bakker" as a proof of the loyal feeling towards their old country of Danish men and women who have in your country found a new home.

In my own name and that of the Danish people, I beg you to convey on this pleasant occasion to Mr. Taft and through him to the American people, the Danish people's and my own warmest greetings and best wishes for the future.

* * * On Monday, August 5th, the dedication ceremonies took place in Rebild Park, which consists of two hundred acres of heatherland. Much of this heatherland was reclaimed through the scientific efforts and the energy of Ernesto Dalgas, who was born in 1828 and died in 1894, and to whom a monument was erected in Aarhus. The work of reclamation is going on so rapidly that the old heatherlands are rapidly disappearing. This park is made up of rolling land, of gently ascending hills, so rare in this flat country, covered in this season of the year with the reddish purple heather.

The rain poured down all the morning, but this did not prevent the assembling of at least 6000 people. They came on thousands of bicycles, carriages, and carts of all kinds and an occasional automobile. The King arrived at two o'clock promptly. * * * He declined to dedicate the park, as he said that should be done by a clergyman; but he gave the signal for the hoisting of the two flags, the Danish and the American. At times the surrounding hills were covered with umbrellas, but interest in the proceedings was so great, the Danes showing an enthusiastic national pride in the proceedings, that nobody left the grounds, even after His Majesty departed after the first part of the program. * * * Dr. Henius said that he had been half promised while in Washington, a cable from the President, so I took the liberty of asking him to read the last paragraph in the President's letter. This was followed by loud acclamations from all parts of the grounds and by three cheers for the President of the United States.

I have [etc.]

MAURICE FRANCIS EGAN.

DOMINICAN REPUBLIC.

MESSAGE OF THE PRESIDENT, DON ELADIO VICTORIA, TO THE CONGRESS, FEBRUARY 27, 1912.

File No. 893.032/5.]

The American Minister to the Secretary of State.

No. 136.]

AMERICAN LEGATION,
Santo Domingo, March 11, 1912.

SIR: I have the honor to enclose you herewith, two copies of the message which President Victoria presented to Congress on the occasion of his inauguration as Constitutional President of the Republic on February 27th, with a translation of the portions thereof of direct interest to the United States.

I have [etc.]

WILLIAM W. RUSSELL.

[Inclosure.—Translation.—Extract.]

The incident with the United States[1] arose on account of the creation, with the approval of Congress, of the present municipal surtax, and of a stamp tax on various industrial articles of import; both taxes collected in accordance with a schedule.

The Dominican Government, dissenting from the views of the worthy representative of the Washington Government on this subject, made what was thought to be a reasonable objection to the memorandum which the Minister presented to our Chancery.

In that extensive communication it was shown how we interpret the Convention of February 8, 1907, as regards local usage and consumption taxes, which, by virtue of an administrative autonomy derived from the Constitution, can be created by the Municipalities with the mere approval of the Legislative Power, without prejudicing in the least the reciprocal rights and obligations arising from the above-mentioned international document.

As a result of this discussion, the United States Minister ended the correspondence, sustaining in the name of his Government the position taken at the beginning, without insisting on making any special objection, and expressing his confidence that in future the Dominican Government will comply with the obligations imposed upon it by the Convention of 1907.

Our old boundary question with Haiti is daily growing more vexing and conflicting, in view of the inefficacy of all negotiations which have been conducted for many years to settle our frontier problem, with nothing accomplished as yet, for special circumstances with which you are familiar.

The Pedernales incident which occurred last year, and which, through the tender of the good offices of the United States, resulted in the acceptance of an arbitration for arranging the diferendum; but as yet not even the preliminaries have been arranged, owing to the limited powers of the Haitian Commissioners, by reason of which the conferences that were taking place at Washington in the beginning of 1911 had to be suspended. That incident, I repeat, has brought about another one, quite serious for us, and which may endanger our peaceful relations with the Government and people of the Republic of Haiti if we do not reach an amicable and satisfactory solution in accordance with the rights on our side in the matter.

In the days that followed the violent death of President Cáceres, the military forces of Haiti occupied a portion of our territory, under pretext of assisting in the capture of the assassins of the above mentioned Magistrate, and established headquarters with large quantities of ammunition in Tête-à-l'Eau, and in a place called Misión, all under the command of the principal authority of Thomazeau.

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[1] For. Rel. 1911, pp. 139–151.

All the pacific measures taken to solve this new and serious question have been of no avail up to the present, and to the repeated claims and protests of our Minister in Port-au-Prince, under instruction from the Executive, the Minister for Foreign Affairs of the neighboring Republic has replied that the points lately occupied by the military forces of Haiti are places that belong to them, and have always been considered so.

Although this incident has not yet been settled, the Dominican Government has a defined and determined view of the question, and is awaiting the moment when, without impairing any of our territorial rights, and in accordance with equity and justice, this question will be settled amicably, as today it is more important than ever for the interests of both Republics.

I trust that that moment is not far distant, and that very soon there will be a reconciling of that disparity of views which for so long a time has kept us in constant worry and conflict with our neighbors. * * *

POLITICAL AFFAIRS. BORDER WARFARE WITH HAITI; MAINTENANCE OF THE STATUS QUO. INSURRECTION. RESIGNATION OF PRESIDENT VICTORIA; ELECTION OF PRESIDENT ADOLFO NOUEL. GOOD OFFICES OF THE UNITED STATES.[1]

File No. 738.3915/92.]

The American Minister to Haiti to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, January 8, 1912.

I am assured by the President of Haiti that on December 23, 1911, he ordered the frontier authorities to prevent Dominican revolutionists from entering Haitian territory.[2] The Haitian authorities, says the President, are greatly hampered by lack of support by the Dominician authorities on the frontier; prior to the death of President Cáceres[3] they acted in conjunction with the Haitian authorities, but since then they have been inactive.

FURNISS.

File No. 738.3915/92.]

The Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 15, 1912.

In regard to your December 2,[4] January 8, and No. 993 of December 23[2], the Department is gratified to know that the Haitian Government has taken vigorous measures against the Dominican revolutionists, and that it is willing to broaden the powers of the boundary plenipotentiary. Similar action is being urged at Santo Domingo by our Legation.

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[1] Continued from For. Rel., 1911, pp. 171–174; see also pp. 151–167: "Boundary dispute between the Dominican Republic and Haiti." In the present volume the correspondence directly related to arbitration of that matter will be found below: "Arbitration of the boundary dispute, etc."

[2] See For. Rel., 1911, p. 166.

[3] Nov. 20, 1911; see For. Rel., 1911, p. 174.

[4] Should be December 22; see For. Rel. 1911, p. 166.

KNOX.

File No. 839.00/481.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, January 19, 1912.

The Minister for Foreign Affairs requests me to inform you that the Haitian authorities of Cape Haitien have sent Desiderio Arias[1] by sea 200 rifles and 10,000 rounds of ammunition, and that a Dominican revolutionist left Cape Haitien with the arms and ammunition.

RUSSELL.

File No. 839.00/481.]

The Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 23, 1912.

Mr. Russell has been informed by the Dominican Minister for Foreign Affairs that Haitian authorities at Cape Haitien have sent Desiderio Arias by sea 200 rifles and 10,000 rounds of ammunition, and that a Dominican revolutionist left Cape Haitien with the arms and ammunition. If after investigation you find this to be true you will state to the Haitian Government that the United States naturally resents any attempt to give aid to any internal disturbances in the Dominican Republic, in the peace of which the United States is vitally interested on account of its treaty relations.

KNOX.

File No. 839.00/481.]

The Secretary of State to the American Minister to the Dominican Republic.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, January 23, 1912.

The attention of the Haitian Government has been called to the report regarding Desiderio Arias conveyed by your telegram of January 19. Press dispatches state that the revolution is gaining ground, under Arias near Monte Cristi and under Zenón Toribio near the Haitian frontier. If the report and dispatches are confirmed, the Secretary of Legation or other reliable messenger should be sent at once to Arias and Toribio[1] to urge upon them the necessity of ceasing revolutionary activity and of abiding the result of the coming elections; to point out that the United States, due to its treaty relations, has a vital interest in the peace of the Dominican Republic; and further that it is the practice of the Government of the United States to refuse to recognize any Government resulting from a revolution unless it appears to represent the will of the people and to be able and willing to respond to its international obligations.

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[1] One of the insurrectionary leaders; see For. Rel. 1911, p. 173. The other principals were Horacio Vásquez and Luis Felipe Vidal.

KNOX.

File No. 839.00/488.]

January 26, 1912.

Furniss telegraphs:

> I am convinced that the Haitian Government earnestly desires to maintain neutrality. Reports false as to shipment of arms and ammunition.

KNOX.

File No. 839.00/491.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, January 27, 1912.

The press dispatches referred to in your January 23 seem to be exaggerated. The Dominican Government informs me as follows:

> Two hundred men under Generals Desiderio Arias, Zenon Toribio and a Haitian criminal crossed from Haiti into our territory to disturb the peace; they are now in Santiago Cruz and the Dominican Government is sending a strong force against them. The movement in question has no importance except that it is being aided by Haiti.

An American receivership inspector from the region in question confirms the Government statement.

RUSSELL.

File No. 839.00/503.]

[Telegram.—Extract.]

February 8, 1912.

Zenón Toribio was killed in an engagement with Government forces yesterday.

RUSSELL.

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[1] Zenón Toribio (or Torribio), one of the Morales group of insurrectionists; see For. Rel. 1911, pp. 171 and 174.

File No. 738.3915/97.]

[Telegram.—Paraphrase.]

February 24, 1912.

I am requested by the Dominican Government to inform you that Haitien forces continue to occupy Dominican territory formerly occupied by Dominican guards, and Haitien authorities are openly aiding the revolutionists of Monte Christi. Demands made by the Dominican Legation for the observance of neutrality have no practical effect. The Monte Cristi revolution would have been suppressed long ago if it had not received Haitien aid.

RUSSELL.

File No. 738.3915/96.]

The Acting Secretary of State to the American Minister to Haiti.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 1, 1912.

Your January 8 and subsequent correspondence. You will state in positive terms to the Minister for Foreign Affairs that numerous reports have reached this Government ascribing to Haitian frontier authorities, particularly to General Zamor,[1] participation in the revolution headed by Arias, adding that on account of the special relations of the Dominican Republic to this Government the latter views with concern any disturbance of the peace of that Republic, and confidently expects that the Government of Haiti will take energetic steps to assure a neutral attitude on the part of its officials on the northern frontier.

WILSON.

File No. 839.00/517.]

The American Minister to Haiti to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, March 5, 1912..

The President of Haiti and the Minister for Foreign Affairs assure me that they are doing everything possible to maintain neutrality of Haitian officials as to Dominican revolutionary movement, and that no more can be done without reenforcing their frontier forces, which is objected to by the Dominican Minister, who has been requested to suggest a method of closer cooperation between the Haitian Government and the Dominican officials.

FURNISS.

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[1] Charles Zamor, general commanding the Leconte revolutionists who on July 17, 1911, drove out President Simón; see For. Rel. 1911, pp. 281–290.

File No. 839.00/520.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Santo Domingo, March 8, 1912.

The Dominican Government informs me that Horacio Vasquez[1] and the two Rodriguez left Porto Rico today for Cuba, bound for Haiti, and that Vasquez will receive from the United States via Cape Haitien 500,000 rounds and 1000 rifles.

Russell.

File No. 839.00/520.]

The Acting Secretary of State to the American Minister to Cuba.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 8, 1912.

The Dominican Government informs the American Minister at Santo Domingo that Horacio Vasquez and the two Rodriguez left Porto Rico today for Cuba, bound for Haiti, where, it is reported, they will receive a shipment of arms to be used against the Dominican Government. You will informally notify the Minister for Foreign Affairs of this, and request full information about the movements of the party if they should come within the jurisdiction of the Cuban Government. Express the earnest hope of this Government that the Cuban Government will not permit any expedition subversive of Dominican peace to leave Cuba.

Wilson.

File No. 939.00/520.]

The Acting Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 8, 1912.

The Dominican Government informs the American Minister at Santo Domingo that Horacio Vasquez and the two Rodriguez left Porto Rico today for Cuba, bound for Haiti, and that Vasquez will import through Cape Haitien 1000 rifles and 500,000 rounds. You will bring this informally before the Foreign Office and say that this Government expects that the projected operations of this party on Haitian territory subversive of Dominican peace will be effectively prevented.

Wilson.

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[1] See For. Rel. 1911, p. 172.

File No. 839.00/523.]

The American Minster to Haiti to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Port au Prince, March 9, 1912.

The instructions of your March 8 were informally presented to the Haitian Government today, and I am assured that Haiti will continue to do everything possible to maintain neutrality.

FURNISS.

March 11, 1912.

The two Rodriguez and Horacio Vasquez, en route to Cuba, arrived here today on the French steamer. The Haitian Government refused to allow them to land.

FURNISS.

File No. 738.3915/99.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, March 21, 1912.

I am informed by the Minister for Foreign Affairs that he has instructed the Dominican Minister at Washington,[1] to consult with the Department in regard to the advisability of an ultimatum from the Dominican to the Haitian Government, which is openly violating treaties and international obligations. The Dominican Government desires to know if we can help them in any way.

RUSSELL.

File No. 738.3915/100.]

The Acting Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1912.

The Department is assisting the two Republics in every possible way to reach a settlement of their difficulties, and would strongly deprecate any action of the Dominican Government at the present time which might make that task more difficult. Minister Peynado informs the Department that he will recommend to his Government the establishment of an American frontier guard to patrol the southern line, as previous to 1908. The Department believes such a measure would greatly help to maintain the status quo existing when the United States accepted the duties of mediator, pending settlement of the boundary dispute.

WILSON.

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[1] Dr. Francisco J. Peynado.

File No. 839.00/538.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, April 2, 1912.

I am informed that the Haitian Government has dispatched 400 men, artillery, and 1000 rifles, to Thomazeau, which the Dominican Government believes to be in aid of the revolutionists, and requests me to ask your assistance in procuring two fast gunboats with good batteries.

RUSSELL.

[Telegrams.—Extracts.—Paraphrases.]

File No. 839.00/551.]

AMERICAN LEGATION,
Santo Domingo, April 15, 1912.

The Government has a well equipped force in the field and could soon put down the rebellion on the northwestern frontier were it not for the effective aid they claim the Haitian Government is giving it. The Minister for Foreign Affairs is anxious to know the attitude of our Government to the funding for the purchase in the United States of a fast gunboat with a good battery; this, he says, would greatly reduce the expenditures for maintaining peace.

RUSSELL.

File No. 839.00/561.]

April 20, 1912.

The Foreign Office informs me that reports have been received that Desiderio Arias has left Haiti with reenforcements for the revolutionists of Sosua. The Government urgently needs a gunboat and earnestly requests that you pass upon the matter at once.

RUSSELL.

File No. 839.00/551.]

The Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Paraphrase.—Memorandum.]

DEPARTMENT OF STATE,
Washington, April 24, 1912.

You will unofficially hand the following memorandum to the Dominican Government, textually:

> Profoundly moved by the useless loss of life, disturbance to commerce, and heavy expense resulting from the revolutionary disorders in the Dominican Republic, the Government of the United States hastens to counsel the Dominican Government to make friendly overtures to the leaders of the revolution with a view to some arrangement or understanding that will end the present state of affairs, which should alarm all good Dominican patriots.

You will then further impress upon the Dominican Government the serious concern of this Government, which expects the Dominican

Government to take immediate, proper and effective steps to meet the present crisis, such as amnesty to those not accused in legal form, adding that it is understood that the maintenance of the authority of the central Government should result from such a course.

KNOX.

File No. 839.00/574.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, May 8, 1912.

The Dominican Government has given me a memorandum to the following effect:

1. The friendly suggestions of the United States are thoroughly appreciated.
2. All who have, since the assassination of President Cáceres, rebelled in arms against the Constitutional Government have been granted the most ample and effective guaranties.
3. Exception to 2: the authors and accomplices of the assassination of the President.
4. These guaranties had been accepted by the leaders of the Moca revolution, who left the country thereupon; but they later returned and have been defeated.
5. The Government accepted the surrender of Toribio, who followed the Moca leaders, and he remained in the country.
6. The Government gave full guaranties to Morales, except trial by the courts, which is still pending.
7. Since all the acts of the Government have from the first been strictly legal, and since the courts are applying the laws with absolute independence, there is no charge which the revolutionists can bring against it.
8. The revolution was not a concerted movement but a number of conflicting uprisings; Moca was for Horacio Vásquez for President, Toribio for Limardo,[1] Desiderio Arias for Henriquez,[2] Morales[3] for himself. The only unity of action was displayed by the electoral colleges, which elected Victoria.[4] The various revolutionary movement were thus made impotent.
9. Horacio Vásquez was against the American-Dominican convention, which was the cause of his rebellion; but he has been overthrown.
10. Gives the political history of Henriquez.
11. Same as to Morales.
12. Same as to Limardo .
13. The present state of the revolution is as follows: Arias, routed, has been for more than a month in hiding and inactive; Rosillen, the principal author of the atrocious murder of the Dominican frontier guards, was permitted by the Haitian authorities to escape to Haiti, where he is now; Limardo is in Haiti; revolutionary forces near Dajabon routed; Vidal,[5] one of the murderers of Cáceres, defeated and driven into Haiti; Sostilden forces routed.

The memorandum then goes on as follows:

The foregoing demonstrates that the Government is capable of maintaining order, thus complying with the mandates of the Constitution; it can do no more than give, as it has been giving, ample and effective guaranties, and faithfully execute them. To go further would set a precedent which, far from correcting the evil, would stimulate new conspiracies against established order. Nevertheless the Government will lose no opportunity to be magnanimous.

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[1] General Ricardo Limardo.
[2] Dr. Federico Henriguez y Carvajal.
[3] Carlos F. Morales; ex-President; see For. Rel. 1911, pp. 171 and 173.
[4] Eladio Victoria; see For. Rel. 1911, p. 175.
[5] Luis Felipe Vidal.

Reference to the foreigners Bancalari and Marin[1] come next, and the memorandum ends as follows:

> All who have been guilty of exclusively political crimes have been given or will be given ample guaranties; the Dominican Government has complied with the guaranties given and will comply with those yet to be given. Taking as a basis for stability compliance with the law and really effective and independent application of the law by the courts, the Government's patriotic aspiration is to establish a firm civil régime.

RUSSELL.

File No. 839.00/574.]

The Acting Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 11, 1912.

You will express this Government's gratification at the efforts to restore tranquility that have been made and are contemplated by the Dominican Government.

WILSON.

File No. 738.3915/113.]

The American Minister to Haiti to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, June 6, 1912.

General Zamor at Cape Haitien telegraphs that Dominican troops have again crossed the frontier near Ouanaminthe and are fighting and devastating the country. As this is the second time recently that Dominican troops have invaded Haitian territory, the Haitian Government now contemplates vigorous measures. From the attitude of the Dominican Government as expressed to me by the Dominican Minister it appears that the invasion is intended to bring about a clash between the two countries.

FURNISS.

File No. 738.3915/113.]

The Secretary of State to the American Minister to the Dominican Republic.

DEPARTMENT OF STATE,
Washington, June 8, 1912.

[After repeating the telegram from Mr. Furniss, dated June 6, the telegram continues:]

If this is true, you will at once impress upon the Dominican Government the necessity for refraining from any such action.

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[1] Members of the revolutionary junta at New York.

The boundary dispute negotiations have been held up for more than a month by Peynado's delay in presenting a memorandum promised to the Department regarding encroachments by Haiti on Dominican territory.

KNOX.

File No. 738.3915/114.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, June 11, 1912.

As to your June 8, the Dominican Government requests me to say that on June 5 revolutionary troops leaving Haitian territory attacked Dajabon but were driven back by Dominican troops there. On the same day a Dominican force making a reconnaissance along the Massacre River was attacked by revolutionists, and to repel this attack the Dominicans were obliged to advance through Haitian territory. It can be proved that the revolutionists started the aggression from Haitian territory; and it is to be noted that the Haitian Government has for some time past been advised of the presence of revolutionists within its territory near the frontier.

The Dominican Consul reports to his Government that "last night Delegate Zamor arrived and we had a very cordial interview. He has promised me to send his troops to Cape Haitien tomorrow, and the incident may be considered as closed."

The Minister for Foreign Affairs yesterday cabled instructions to Peynado to present immediately to the Department the memorandum in regard to the encroachments by Haiti.

RUSSELL.

File No. 738.3915/115.]

The Dominican Minister to the Secretary of State.

[Translation.]

DOMINICAN LEGATION,
Washington, June 12, 1912.

SIR: In August, 1910, the Dominican Government, for the purpose of facilitating the transit of its frontier guards, started to open up a road conecting the mouth of the Pedernales River with the Laguna del Fondo. The work of construction of said road was carried out along the entire length of the eastern banks of the Pedernales River—that is to say, on territory belonging to the Dominican Republic and never controlled by Haitian authorities—without any protest being heard from Haiti for over four months.

It was during the month of December—at which time there had already been opened up about 48 kilometers of the road—that the Haitian Government, alleging that the Dominican Government was invading its territory, sent a large force of soldiers to prevent the continuation of the work.[1] These Haitian troops occupied Cabeza de Agua, a small place to the east of the Pedernales River, by which it is separated from the Haitian village of Tête-à-l'Eau. They also occupied the village of Corte Español, which the Haitians call Coupe Espagnol, also on the eastern banks of the Pedernales River, which separates it from the Haitian village called Banane. At those places they struck the Dominican flag and hoisted the Haitian colors instead; they ordered the Dominican laborers to suspend work, and objected to the transit of Dominican frontier guards over the new road.

As soon as these events became known to the Dominican Government, a detachment of regular troops, under General Alfredo Victoria, was sent under orders to oust the Haitian troops from the eastern banks of the Pedernales River and protect the continuation of the work on the road. Upon the arrival of those troops, the Haitian soldiers abandoned the Dominican position they had occupied, which were thus taken without one single shot from General Victoria's forces.

Since then the work has been renewed, and the Dominican guards entrusted with the prevention of frontier smuggling were enabled to pass freely.

On this acount, the Haitian Government requested the Dominican Government to withdraw its troops because the Haitian soldiers had already withdrawn, and to suspend the work on the road; it proposed that there be sent to the place where the referred-to events had occurred a Dominican-Haitian mixed commision for the purpose of ascertaining whether the road under construction came or did not come within Haitian territory;[2] and that the general boundary question be submitted to arbitration.[3] At the same time it requested the United States Government to interpose its good offices in order that a speedy and peaceful solution of the controversy might be reached.

To the request and proposal of the Haitian Government the Dominican Government answered:

(1) Ordering the withdrawal of its forces in view of the fact that the Haitian troops had been withdrawn, but leaving in their former positions on the eastern banks of the Pedernales River the frontier guard charged with the prevention of smuggling and the protection of the works on the road;

(2) Sending to Pedernales to join a Haitian commission, awaiting it in Anses-à-Pitre, a Dominican commission provided with powers to constitute, with the former, a mixed commission that, going over the road under construction, should ascertain whether or not the the same passed through Haitian territory crossing the Pedernales River; and

(3) Signifying its willingness, on general principles, to accept the idea of submitting to arbitration the general boundary controversy.

The mixed commission was unable to perform its duty because, as they themselves confessed, the secret instructions issued to the Haitian Commissioners by their Government forbade them to act.

Under dates of January 24 and 26, 1911, the Honorable W. W. Russell, Envoy Extraordinary and Minister Plenipotentiary of the

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[1] See For. Rel. 1911, p. 151.
[2] See For. Rel. 1911, p. 152.
[3] See For. Rel. 1911, pp. 153–155.

United States in Santo Domingo, informed the Dominican Government[1] that:

> In compliance with the express wishes of the Haitian Government, and in its earnest desire that peace be maintained and that settlement both just and honorable may be reached in the present controversy between said Republics, the Government of the United States hastens to offer its good offices to that end; the Government of the United States thinks that the two Governments should come together and conclude an agreement for a speedy settlment of the question under the essential conditions that have been accepted by both; and that mean while the status quo should be maintained, the troops withdrawn from the frontier, and the works on the road discontinued until the question shall have been definitely settled.

On January 26 and 27, 1911, the Secretary for Foreign Affairs of the Dominican Republic answered Mr. Russell as follows,[2] in substance: That the Dominican Government sent soldiers to the southern frontier merely because the Haitian Government had placed strong detachments of troops in the same section of the country with the ostensible purpose of preventing the continuation of the work on a road that the Dominican Government is opening up in territory over which its jurisdiction is indisputable, in order to facilitate the transit of its guards for the prevention of smuggling; but that as the Haitian Government withdrew its soldiers and reported this action to the above-mentioned Secretary through the medium of its Minister in Santo Domingo, the Dominican Government issued orders for the recall of its troops; that, placing the utmost faith on the representations of cordiality, and eagerness for peace, recently made by the Haitian Government, and upon the invitation of that very Government, the Dominican Government accepted, on general principles, the submission of the whole boundary question to arbitration; that, considering the relations of unalterable friendship that have always bound the Dominican people with the people of the United States and the spirit of fairness that has always in similar cases guided the conduct of the great Republic, from the good offices offered nothing can be derived but a suitable and lasting settlement between the two countries which share the domain of the Island; that on this consideration the Dominican Government accepted those good offices, with no reservations except those arising from the limited powers with which it is vested by the Constitution, within which limitations the Government would make all possible efforts to find a final solution for the vexatious problem of its boundary questions; that since, through the valuable offer of the United States Government's good offices, the boundary differences seemed to near a speedy solution, the Dominican Government agreed very willingly to suspend the work on the road during a period sufficient for the rendering of an arbitral award, because, bearing in mind the great injury that the unsettled condition of the boundary question causes to the Dominican Republic, its Government would be compelled to resume the said work if, *for any cause attributable to the Haitian Government*, the definite settlement should be delayed; and finally, that the status-quo implied the domain and control by the Dominican Republic over the territory situated on the eastern banks of the Pedernales river.

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[1] See For. Rel. 1911, pp. 154, 155.

[2] See For. Rel. 1911, pp. 156–157.

In accordance with the last statement, which has never been disputed, the Dominican Government, on withdrawing its troops, stationed at various points on the eastern bank of the Pedernales river its frontier guards charged with the prevention of smuggling, with posts at Boca de Pedernales, Corte Español, Cabeza de Agua, and the lower section of Federico, opposite Bois d'Homme, which guards had, until November, 1911, been constantly patrolling that bank along the road recently constructed, without any opposition from the Haitian Government.

In November, 1911, at the time of President Cáceres tragic death,[1] the detachments of guards stationed at Corte Español, Fuerte Victoria in Cabeza de Agua, and Federico, gathered together at Boca de Pedernales, and the detachments stationed at Las Guásimas, Bois Tombé, El Número, and Agua Dulce, gathered at Jimaní, near Laguna del Fondo, their Chief believing that such concentrations would be sufficient to pursue the assassins.

As soon as the Haitians found our posts abandoned they took possession of them[2] and hoisted at the above-mentioned points their own flag on the very poles that flew our colors; the Haitians even went so far as to destroy the Dominican barracks of Las Guásimas and Bois Tombé, and with the materials taken therefrom they built two cabins for their own troops further to the east near El Limón; they billeted soldiers in the house of a Dominican citizen near Jimaní, and they stationed a heavy guard on a hill opposite La Florida, and at El Naranjo, a place on the road from La Florida to Puerto Escondido.

The occupation by Haitian troops of the first points, was done under pretext of maintaining order and of cooperation in the arrest of the murderers of President Cáceres; but the occupation of the latter points was accomplished without reason or pretext, and with an abundance of violent acts against the property of the Dominican inhabitants of those places, as the Haitians killed cattle and swine belonging to Dominican farmers in those sections.

On January 3 of the current year, and in answer to a communication dated December 23, 1911, from the Dominican Minister in Port-au-Prince, requesting the evacuation of the Dominican territories recently occupied by Haitian forces, the Secretary for Foreign Affairs of Haiti made the following statement:

> "I beg to confirm what I previously had the honor of stating to you, to-wit: That we have not in effect established any posts in any portion of the Dominican Territory. Tête-à-l'Eau, Bois Tombé, Bois d'Orme have always been considered Haitian possessions, as proved by the map of de Moya, officially adopted by the Dominican Republic. The Haitian Government has therefore the indisputable right to occupy said points; and on this matter, at least so I believe, there can be no possible misunderstanding."

To these evasive statements, tending to produce confusion in facts and names, and to infer from de Moya's map juridical consequences which it cannot have, and containing the confession that the occupation of the places at issue was effected by the Haitians after the offer of the good offices of the United States Department of State, the Dominican Minister in Port-au-Prince answered by a note dated January 15, last. This note explained with perfect clearness the facts and names which were misrepresented by the Haitian Foreign Office; it showed how exaggerated and erroneous is the importance attached by the Haitian Government to the Map of de Moya, which, aside from containing errors as to the position and names of certain places, does not and can not show boundaries that no convention or arbitration has fixed, and merely indicates by means of an arbitrary line the extent of the Dominican territory wherein some Haitian families have established themselves, with absolute omission of all indications as to its occupation by Haitian forces or authorities; and, finally, the note showed that the attitude of the Haitian Government "is not in keeping with the spirit of the last status-quo, a preliminary necessary for the negotiations that are to be undertaken in Washington."

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[1] See For. Rel. 1911, p. 174.

[2] See For. Rel. 1911, p. 166.

This note was answered in February last, by the Haitian Secretary of State, Mr. Léger, in these terms:

> Mr. Minister: I have not failed to give my best attention to the note with which you have honored me under date of January 15, last, concerning some *neighboring points in our frontiers,* in which, according to your Government, Haitian posts have been unduly established. It is gratifying for me to thank you for the information you have been so kind as to convey to me. From said information there is inferred what I already supposed, to-wit, that different places have frequently the same name, which naturally contribute to produce confusion and lead to the belief that Haitian posts are occupying Dominican territory, when in reality said posts are established in places which have never ceased to be Haitian possessions. My Government's attitude during the last incident at Pedernales in January, 1911, was caused only by the attempt to open a road and maintain Dominican posts in Haitian territory. The status-quo agreed to at that time can mean only reestablishment of the state of affairs existing before the incident. On the other hand, there is nothing in the present situation that could cause the slightest interruption in the excellent and cordial relations that happily exist between our countries. And I cherish the profound conviction that these relations could not but be made closer and closer by the speedy settlement of the boundary question. Thus believing, my Government has unhesitatingly given its representatives in Washington the necessary powers to reach this happy result. It gratifies me to hope that I will soon be informed that the Dominican Republic has authorized its agent in the United States to renew the negotiations that were suspended through unforeseen circumstances.

It is not necessary, for the purpose of this statement, to present now the various proofs my Government possesses, that the places Haiti has occupied since November, 1911, to the east of the above-mentioned line, have never ceased to belong to the Dominican Republic and were never owned by the Haitian Government. To show how groundless is the assertion of the Haitian Secretary of Foreign Affairs that said places "have never ceased to be Haitian possessions" is a matter proper to a fundamental discussion, which the North-American Government does not need to hear in order to form an exact opinion of the points of fact and law which interest it in its capacity as Mediator.

But it is absolutely necessary to point out two most important circumstances originated by the above-mentioned note from the Secretary for Foreign Affairs of Haiti:

First circumstance. The note referred to does not deny, but on the contrary implicitly and explicitly acknowledges the fact that at the time when the United States Government tendered its good offices the Dominicans were occupying the points to the east of the line from Laguna del Fondo to the mouth of the Pedernales river, which the Haitians have been gradually invading since November, 1911. The tacit acknowledgment is contained in the evasive and roundabout way in which it pretends to attribute to the similarity of names of different places the motive of the last Dominican complaint. The explicit confession is contained in the paragraph that says: "My Government's attitude during the last incident at Pedernales in January, 1911, was caused only by the attempt to open a road and *maintain Dominican posts* in Haitian territory." It was not indeed possible to deny the Dominican jurisdiction over that region in January, 1911, when the offer was made of the good offices of the United States Government; because one single material fact, the construction of a road which still exists, for 48 kilometers along the eastern bank of the Pedernales river, without the Haitian Government knowing anything about it during the long period of over four months, on which a large number of laborers worked, is a fact which by itself is incontrovertible evidence that Haiti had not to the east of the Pedernales river any authorities that could have objected to or opposed the said work of construction; that it did not enjoy the possession of said territory; and that because it sought possession without being entitled thereto, its Government provoked the conflict that originated the friendly mediation of the United States Government.

Second circumstance. For the purpose of explaining the violation by the Haitian Government since November, 1911, of the status quo agreed to in January, 1911, thanks to the good offices of the North American Government, the above quoted note from the Haitian Minister for Foreign Affairs states that "the status quo agreed to at that time can mean only reestablishment of the state of affairs existing *before* the incident". The Dominican Republic can show that before the time of the incident the possessions of the two Republics on the southern part of their boundaries were the same that they had been at the time in which the meditation was offered, and that therefore there never was a status quo, previous to the incident, which established possessions other than those known to the Mediator. The Dominican Republic, therefore, is not afraid of the scarecrow of the previous status quo; but in order to clear the way of all that may obstruct it, the Dominican Government states that, even if the alleged previous status quo had existed, such an assertion as that of the Haitian Minister for Foreign Affairs would be absolutely indefensible, and the status quo agreed to in January, 1911, could mean only the maintenance of the possessions held by the two adjoining Republics at the time when the United States tendered its good offices; for the following reasons:

1st. Because it was impossible for the United States to propose and secure the acceptance of a previous status quo, since it was unknown to the American Government, besides being made uncertain and confused by the dissenting allegations of the contending parties, and impossible to define without a minute study and a careful investigation, which should be undertaken by a judge and not by a mediator. The status quo agreed to at the time of the mediation has a line, drawn by Nature and which can not be effaced—the Pedernales River; and a conventional, historical line, which likewise can not be effaced—the line fixed by the Treaty of Aranjuez—running between Laguna del Fondo and the Pedernales river, susceptible at all times of being reproduced on the ground itself. With such characteristics, and further evidenced by the presence of Dominican soldiers, during the incident, on all the eastern side of Pedernales river and in Las Guásimas, Bois Tombé, El Número and Agua Dulce; and of the frontier guards, before and after the incident, that status quo line will always be locatable at any time and the respective possessions demarcable on any map. On the other hand, could anybody have convinced the Mediator—with the urgency required by the strained relations between the adjacent countries—as to which were the respective status quo possessions previous to the incident, in case they were different from those that existed at the time of the mediation; as to which was the line separating them; as to when the instant came in which such alleged previous status quo acquired the proportions of a juridical fact worthy of consideration?

2nd. Because if, upon the acceptance of a status quo, either by the determination of a previous date, or by the expression "previous status quo," it is not clear that the parties understand that it refers, as regards the possession of territories, to a past state of affairs, it will be logical to conclude that the parties meant that the status quo should be respected from the moment in which it was agreed to. And if this is so when the insufficiency of written expressions providing for a status quo does not throw the light necessary for ascertaining the purpose that the contending parties had in mind, it is more reasonably so when, as in the case of the status quo accepted by Dominicans and Haitians in 1911, the written expressions and the acts committed at that time do not leave room for doubt. The note No. 37, that the Dominican Minister for Foreign Affairs, under date of January 27, 1911, addressed to the Honorable William W. Russell, United States Envoy Extraordinary and Minister Plenipotentiary, reads thus, as regards the status quo: "Finally, I wish to explain to your excellency that the status quo also implies the jurisdiction and control of the Dominican Republic over the territory situated on the eastern bank of the Pedernales river." And this declaration—which was accepted without discussion by the Mediator and for his purposes, therefore, defines the status quo in relation to the possession of territories—was fully agreed to by the Haitians, who consented, without protest, that the Dominican Government, upon withdrawing its troops, might leave a body of its frontier guards to maintain its jurisdiction over the region under dispute. The Haitians did not invoke their alleged right to said region until after ten months had elapsed, on the occasion of the disturbances produced among the Dominicans by the assassination of President Cáceres, and under pretext that their only aim in occupying said territory was that of cooperating in the capture of the authors of the crime, even though subsequent facts have shown that some of those criminals were not captured precisely because they found easy and comfortable shelter in the Republic of Haiti.

In the second conference [of the plenipotentiaries at Washington], held on April 30th last, with Mr. Solon Menos, and which was attended by Mr. W. T. S. Doyle in your behalf, I had the honor to state, in the name of the Dominican Republic, that since we are now merely resuming the negotiations initiated on April 27, 1911,[1] through the good offices of the United States, it seemed essential—in order not to impair said good offices, and for the purpose of establishing a precedent of respecting the status quo which, through the same good offices, was agreed to by the two Republics last January—that it should be previously recognized that it was necessary for the Haitian Government to evacuate the territories which it has been gradually occupying since November last, to the east of the line which, from the mouth of the Pedernales River to the Laguna del Fondo, separated the possessions held by the two Republics at the time when the status quo was stipulated, and which was being maintained by both when, about the middle of the same year, the aforesaid negotiations were suspended.

The honorable Haitian plenipotentiary did not deny the fact of the occupation to which I allude; but he alleged that the point raised by the Dominican plenipotentiary might have been made the subject of a different negotiation, for which each plenipotentiary should previously apply to his Government for instructions; also that such a point should not be made the subject of a motion the sustaining of which could have no other effect than to delay the solution of the general boundary question; and finally that the plenipotentiaries had met to draft and conclude a protocol of arbitration, and would deviate from their mission if they should subordinate such protocol to the discussion of a point the solution of which—implying an agreement on the meaning and scope of the status quo and an impartial and minute verification of the facts relating to the alleged occupation or reoccupation—might not be reached until after a considerable lapse of time, while it is to the interest of both countries to come as soon as possible within arbitral jurisdiction.

The Dominican plenipotentiary is not in accord with these views of the Haitian plenipotentiary, for the following reasons:

1st, because he believes that, since both plenipotentiaries are provided with sufficient powers to negotiate, conclude and sign any treaty, convention, act or agreement *that may be considered necessary* for the submission to arbitration of the boundary question, both are empowered to agree to reestablish the state of affairs that existed when the negotiations of 1911 were suspended; and he further believes that such a reestablishment is necessary in order that neither contracting party may fear that the other will change its position before the final award shall have been made.

2d, because he considers it essential to the efficacy of the good offices of the United States that Haiti abandon the territory it has occupied since November, 1911. Otherwise, should both contending parties become convinced that it would be possible for them, without affecting the Mediator, to change the positions that each held at the beginning of the mediation, and should the party bent upon acquiring new possessions by all possible means profit thereby, at least for the period prior to the final award, its eagerness to encroach upon the territory of the other would provoke unavoidable conflicts.

3d, because he is convinced that the abandonment by Haiti of the territory it has occupied since November, 1911, is a question that should be settled prior to the signing of the treaty, convention, act or agreement submitting to arbitration the boundary question; for it is obvious that if such a document should be signed before such evacuation, the Haitian Government might feel inclined to delay its ratification as a means of securing additional opportunities to continue enlarging that Government's unsanctioned occupation.

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[1] For. Relations 1911, p. 162.

In view of the above reasons, and accepting the suggestion made by Mr. W. T. S. Doyle at the session of April 30th last, I have the honor to request that your excellency, by virtue of the implicit attributes of the Government of the great North American nation in its capacity as friendly Mediator, cause appropriate representations to be made to the Haitian Government in order to secure its abandonment of the territories it has occupied since November, 1911.

Accept [etc.]

FRAN'CO J. PEYNADO.

Note. Accompanying the above note are six inclosures, and translations of them, not here printed. They are: three letters from the Dominican Minister to Haiti to the Haitian Minister for Foreign Affairs, dated Dec. 18, 1911; Dec. 23, 1911; Jan. 15, 1912; two letters from the latter to the former, dated Jan. 3, 1912, and Feb. 3, 1912; and a report by the engineer A. Buonpensiere to the Dominican Minister for Foreign Affairs, dated March 13, 1912.

File No. 738.3915/118.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, June 21, 1912.

I am informed by the Minister for Foreign Affairs that the Haitian Government proposes settlement of the question of neutrality on the frontier by a joint commission, on the following bases: (1) Maintenance of the status quo line subsequent to the Pedernales incident; (2) obligation on the part of the Dominican Republic not to aid the revolution against Haiti; (3) the same obligation on the part of Haiti in regard to the Dominican revolution. The Dominican Government positively refuses to consider the first point, because the boundary question is being settled at Washington and it can do nothing that might interfere with that settlement. Haiti insists that unless the Dominican Republic agrees to the first point, nothing will be done.

RUSSELL.

File No. 738.3915/115.]

The Acting Secretary of State to the Dominican Minister.

No. 13.]

DEPARTMENT OF STATE,
Washington, June 24, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, wherein you discuss the Dominican-Haitian boundary question and inform the Department that certain Haitian authorities have committed acts in contravention of the status quo which was agreed by both Governments should be observed pending a definite settlement of the boundary dispute.

In reply you are informed that the Department will give this matter its prompt and careful consideration and will take such action as the facts may seem to warrant.

Accept [etc.]

HUNTINGTON WILSON.

File No. 738.3915/118.]

The Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 29, 1912.

The Dominican Minister has handed the Department a note, with inclosures, from which it appears that soon after the assassination of President Cáceres, and under pretext of helping the Dominican Government to capture the assassins near the frontier, the Haitian authorities moved into territory east of the Pedernales River, theretofore in the peaceful possesion of the Dominican Government, and continue to occupy it. It also apears that the Dominican Minister to Haiti repeatedly protested against that occupation, but the Haitian Government has taken no steps to comply with its plain duty by witdrawing its troops and civil officers from the territory in question. You will consult the Dominican Minister as to this.

You will also immediately inform the President of Haiti that complaint as above has been made to this Government; that the complaint seems well founded; that any failure on the part of Haiti to observe, in compliance with its undertaking made to this Government and to the Dominican Government, the status quo that existed at the time the good offices of this Government were accepted, would be to the highest degree prejudicial to an amicable settlement, and would also be so contrary to Haiti's express agreement and therefore such a glaring disregard of the good faith that must obtain between nations in their dealings as to create a serious situation and make it hard for this Government to believe that the Haitian Government understands what that situation really is; that, furthermore, in order to avoid any untoward incident, this Government must request the Government of Haiti immediately to withdraw such of its military and civil authorities as may be in or occupying points east of the east bank of the Pedernales River between its headwaters and its mouth, as also points between its headwaters and Jimini, which were occupied by the Dominican authorities at the time of the acceptance of the good offices of this Government, if any such forces or authorities are in said localities. You will impress upon the Haitian Government the gravity of any violation of agreements relating to this matter.

KNOX.

File No. 738.3915/131.]

The American Minister to the Dominican Republic to the Secretary of State.

No. 168.]

AMERICAN LEGATION,
Santo Domingo, July 1, 1912.

SIR: I have the honor to enclose herewith translations of the memoranda furnished me by the Minister for Foreign Affairs containing the proposition from the Haitian Government concerning the maintenance of neutrality on the frontier, and the counterproposition from the Dominican Government.

I have [etc.]

WILLIAM W. RUSSELL.

[Inclosure 1.—Translation.]

Proposition by the Government of Haiti.

1. The Haitian and Dominican Governments bind themselves to observe the status quo throughout the whole length of their respective frontiers; that is to say, each party will remain in possession of the points actually occupied by it, and will not seek to disturb the other one, nor to remove the boundary marks. The two Governments bind themselves to further the negotiations concerning the frontier question and to submit themselves loyally to the arbitral decision which may be rendered.

2. The Dominican and Haitian Governments agree and bind themselves not to encourage any revolutionary enterprise which may be started against either one of them and to mutually lend effective aid to prevent the malcontents from occupying the territory of one of the two to disturb the peace with the other; consequently, at the demand of the one of these Governments, the other shall expel from its territory every individual whose presence shall be considered dangerous.

[Inclosure 2.—Translation.]

Counterproposition of the Dominican Republic to the Proposals of Haiti.

For the purpose of maintaining the most ample and sincere cordiality of relations between the two Republics, the Haitian and Dominican Governments bind themselves to further the negotiations for a delimitation of the frontier and to submit loyally to the arbitral decision that may be given in this matter. In the meanwhile, both Governments bind themselves to take no action whatever for the purpose of changing to the prejudice of the other the positions which both Governments respectively were occupying when arbitration was selected as a means of settling their differences; and particularly as regards that section of the frontier between the south bank of Lake Fondo and the mouth of the Pedernales River; to maintain the same positions which both parties were occupying in January, 1911, and with the Government of the United States of America as mediator to submit simultaneously with the question of frontier delimitation the solution of the recent conflict on the frontier section above-mentioned.

File No. 839.00/601.]

The American Minister to the Dominican Republic to the Secretary of State.

No. 171.]

AMERICAN LEGATION,
Santo Domingo, July 3, 1912.

SIR: I have the honor to report that conditions in this Republic are far from assuring. Revolutionary groups in all sections of the country continue to make periodic attacks on the towns and villages, with no definite success, but greatly increasing the general feeling of alarm and anxiety. The land lines of the French Cable Company are cut daily, and for several weeks it has been impossible to rely on any sure cable communication. The revolution does not seem to be strong enough to overthrow the Government, and, on the other hand, it is impossible for the Government to dispose of sufficient military forces to invest all parts of the Republic. The prisons are full of political suspects, and many arrests are being made daily. The Government is disbursing enormous sums for military operations, and it is currently believed that the Government military chiefs themselves are prolonging the revolution, appropriating large amounts of the funds destined for the troops. Government salaries are in arrears for two months, and the budget for this year will declare a deficit of $600,000. The outcome is difficult to forecast, as there seems to be an absolute state of anarchy among the revolutionists, each group having a different candidate, and all against the present administration. The Government continues to offer and give guaranties, but this consists in buying off the leaders, who very frequently rise again and demand more cash.

I have [etc.]

WILLIAM W. RUSSELL.

File No. 738.3915/129.]

The American Minister to Haiti to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, July 4, 1912.

Your June 29. The President of Haiti claims that no places east of the Pedernales River are occupied by Haitian forces; and that, with a view to the speedy settlement of the boundary dispute, he is willing to withdraw Haitian forces from any point now occupied on the boundary which the Department may designate, provided it is guaranteed that the same will not be occupied, pending settlement, by the Dominicans. He also suggests that I verify the actual conditions by visiting the points in dispute, and I will proceed to do so at once if the Department so orders.

FURNISS.

File No. 738.3915/132.]

[Extract.]

No. 1096.]

AMERICAN LEGATION.
Port au Prince, July 6, 1912.

SIR: I have the honor to report that upon receipt of Department's June 29, I called upon President Leconte * * * and explained to him that the attitude of his Government in continuing to occupy territory to the east of the Pedernales River, notwithstanding the objections of the Santo Domingo Government, made it very difficult for the United States Government to proceed to arrange for the submission of the boundary question to arbitration; in fact, if his Government's attitude was continued there might result grave eventualities which it would be impossible to prevent. I explained to him that by the status quo was meant that the two Governments would peaceably hold the territory which they had at the time the good offices of the United States Government were accepted for the amicable arrangement of the affair.

President Leconte said that it was his recollection that there were no Haitian posts to the east of the Pedernales River. He thought that the best way to verify that would be for me to make a trip there and see just where are the Haitian posts. He acknowledged, however, that some three or four places which the Dominicans occupied by invasion in January, 1911, had been retaken by the Haitians upon the temporary withdrawal of the Dominican guard after the death of President Cáceres. He justified his occupation of these places on the ground that for many years prior to 1911 they had been occupied by Haitian posts and were considered Haitian territory. When I explained to him that their reoccupation under the circumstances constituted a violation of the status quo, he replied that he does not think that the Dominicans are serious and really desire to definitely settle the boundary question; that they always have some excuse for not acting; but if there were a chance that the matter could be speedily settled he would be willing to withdraw the Haitian guards from the places in question, provided it would be guaranteed that pending settlement the places would remain neutral, that is that the Dominican soldiers would not occupy them.

I told the President that in accord with my information Haitian troops have invaded territory around Jimani and Lake Limon, territory heretofore recognized as Dominican. He denied this and said that the only way to prove his statement would be for me to go to the region and see for myself.

Before leaving the President I had him again affirm that, with a view to the speedy settlement of the question, upon the request of the State Department, he would withdraw from the contested places provided their neutrality would be assured.

The following day Secretary Léger called at the Legation and during the course of our conversation * * * said it would be impossible for the Haitian Government to abandon, under any pretext, the points now held on the frontier, points which he considers belong to Haiti, notwithstanding that they were occupied by the Dominicans when the United States was requested to use its good offices for the peaceful settlement of the incident. * * * I stated that by the status quo on the frontier was meant the occupation by the two Governments of such territory as was in their possession when the good offices of the United States were invoked and had no reference to prior occupation. I stated that I could not see any danger of Haiti losing by arbitration any contested point just because Santo Domingo for a short time had taken possession of it. I could not convince him that there was no necessity for Haiti to occupy all of the territory claimed by it in order that an award might be favorable to Haiti. He considered occupation sine qua non to arbitral award. * * *

I have [etc.]

H. W. Furniss.

File No. 738.3915/129.]

The Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

Department of State,
Washington, July 9, 1912.

You will visit the Pedernales region, carefully investigate and report fully, bearing in mind the desirability of restoring the status quo at the time of acceptance of the good offices of this Government, which would imply occupation by the Dominican civil authorities of the section east of Pedernales as well as certain points between Lake Fondo and the headwaters.

Knox.

File No. 738.3915/152.]

The American Minister to Haiti to the Secretary of State.

[Extract.]

No. 1105.

American Legation,
Port au Prince, July 29, 1912.

Sir: I have the honor to state that, agreeable to the Department's cable instructions of the 9th instant directing me to proceed to the Pedernales district and make a careful investigation and fully report thereon with particular reference to desirability of restoring status quo in existence at the time when Haiti requested the good offices of the United States Government with a view to settling the questions then at issue, I left here on the morning of the 15th instant as stated in my cablegram of that date and after having visited the district returned here on the 23d instant. * * *

The night [of the 19th] was spent at Anse-à-Pitre and the report which I herewith enclose commences from there and works up to "Etang Saumatre" or "Assuey" (Dominican "Laguna del Fondo"). * * *

I have [etc.]

H. W. Furniss.

[Inclosure.—Extract.]

Report on tour of inspection of frontier posts from Anse-à-Pitre (Pedernales) to Lake Saumatre (Laguna del Fondo).

* * * In summing up I have to say that from investigation I am convinced that the Dominican Minister at Washington did not correctly inform the Department when he wrote that shortly after the assassination of the Dominican President the Haitian authorities, under pretext of assisting the Dominican Government to capture the assassins, crossed to the east side of the Pedernales River, which they continue to occupy. This is the substance of the Department's June 29.

The facts as I have ascertained them are these: the Dominicans voluntarily withdrew their guards from Bois d'Homme, Fuerte Victoria (Cabeza de Agua), Côte Espagnol and Bois Tombé in 1911, in order to have their troops nearer to the capital because of the assassination, and the Haitians, who were preparing to drive them from some of the places, did then take such as I have designated in this report. Haitian troops do not today occupy but one of the places, though the Haitian posts are so placed that it would be impossible for the Dominicans to have any advantage if the Dominicans occupied the places now deserted.

The Haitian Government promised to deliver the assassins if they crossed into Haiti, but even the Dominican Minister here and the Dominican guards with whom I have conversed do not allege what the Dominican Minister at Washington states as a fact: that the Haitian Government gained the places through a ruse.

In fact, taking it all in all, it appears to me that the Dominicans have resorted to exaggerations and misstatements ,with a view to obtaining the sympathy of the Department. They cannot help but know that the Haitians are not occupying the Dominican positions at Bois d'Homme, Corte Español and Bois Tombé, and their giving new Spanish names to places heretofore known under French names has done much to complicate matters when a question of occupancy has been discussed.

The line drawn on the Dominican map to show present Haitian occupancy is fantastic, and might just as well for effect been drawn further to the east to include a larger area. The facts are that the present Haitian occupancy is along the line indicated by Captain Young on his map of 1907. From the top of the mountain from which I had a bird's-eye view of Lakes Limon, Enriquillo and Sumatra, it appears to me that the Dominican map is wrong in that section.

In concluding I have to say that the only violation of the status quo which I found is the Haitian occupation of what the Dominicans style Fuerte Victoria, which is opposite Tête-à l'Eau Haitien, and under the conditions already explained as to the situation I do not think it advisable or prudent for the Domincans to occupy this place. Its surrender to the Dominicans would entail no loss whatever to the Haitians.

As to the Haitian posts near the lakes, I am convinced that the Haitians have not moved them further to the east than they were when the good offices of the United States were requested. In my opinion the right of the Haitians to maintain them in their present position will be a matter to be regulated by a definite settlement of the boundary, and is not a question to be discussed in the preparation of an agreement for submission of the boundary question to arbitration.

H. W. Furniss.

Port au Prince, *July 27, 1912.*

File No. 839.00/628.]

The American Minister to the Dominican Republic to the Secretary of State.

No. 190.]

American Legation,
Santo Domingo, August 3, 1912.

Sir: I have the honor to inform you that conditions in this Republic continue to be very bad. The revolutionists are no nearer to overthrowing the Government than they were eight months ago, and the Government is still expending enormous sums in military operations against the revolutionists. It is pretty generally admitted now that this condition of affairs is being purposely prolonged by the Government military chiefs, who are enriching themselves at the expense of the troops.

Reports from the northern frontier indicate a chaotic condition of affairs; the revolutionists are ravaging and plundering at will, and the Government is endeavoring to reconcentrate the country people and cattle in the towns.

In the Cibao, or northern part of the Republic, revolutionary bands are attacking the towns, and while nothing decisive is accomplished the general feeling of alarm and unrest continues. Horacio Vásquez is supposed to be somewhere in the vicinity of Moca, and apparently roams about at will, and it would seem as if the Government is making no determined effort to capture him, while all his relatives not actively engaged in the revolution are thrown into prison or exiled as suspects. The town of Puerto Plata is kept in a constant state of fear from an attack by the revolutionary party operating near there. The Government has two or three hundred men in the fort, but makes no active offensive campaign against the rebels, and the latter take to the woods after firing up the town.

A few weeks ago the Government sent a peace commission to the southwest, but nothing was accomplished. Luis Felipe Vidal, one of the assassins of President Cáreces, is operating in this section near the Haitian frontier, and the Governor of Macoris was sent after him with a large force, but Vidal is not looking for an encounter with a superior force and takes refuge in Haiti.

The Governor of this Province was sent on a peace mission a few days ago to the revolutionary chiefs operating in the east, between here and San Pedro de Macorís, and this mission seems to have been somewhat successful, as it is reported that these chiefs have accepted the guaranties of the Government and given up their arms, for how long is a question.

In a conference yesterday, the Minister for Foreign Affairs admitted to me that the Government was not satisfied with the conduct of the military chiefs in charge of the operations against the rebels, and that a new and energetic campaign would be immediately initiated. He told me that the chief of military operations in the Cibao, General Rubirosa, who is now acting Governor of Puerto Plata, would be succeeded as military chief by a man in whom the Government had perfect confidence, leaving Rubirosa as Governor of Puerto Plata for the reason that it was not deemed advisable to anger him, but that he would be watched and his powers as Governor gradually curtailed. This statement of the Minister for Foreign Affairs was made in response to representations from me in regard to the evident inactivity on the part of the Government in putting down the revolutionary movement.

I have [etc.].

William W. Russell.

File No. 839.00/640.]

No. 193] American Legation,
Santo Domingo, August 14, 1912.

Sir: I have the honor to report that since last mail the most important event that has taken place in connection with the present revolutionary movement has been the taking of Dajabon, and which was reported to you by cable. The revolutionary chiefs in this action were: Desiderio Arias, Zarzuela, and Dorsilien [sic]. The reports are that there was a bloody conflict of thirty-six hours, and the losses on both sides were considerable. The Government is making preparations to recapture Dajabon, and has sent a reenforcement of 300 men from here with 60,000 rounds of ammunition. The country is still in a most disturbed condition, and attacks on Monte Cristi and Puerto Plata are feared. From a financial point of view I do not see how this Government can last much longer, with the enormous outlays for military operations. On the southwest frontier the Government has a force of 1,000 men, but nothing decisive takes place. The troops cannot be patriotic, as the chiefs are pocketing their pay, and desertions are frequent. The most serious problem for the Government at present would be the continued success of the revolutionists in the north, who are now in possession of Dajabon, the key to the Cibao.

I have [etc.].

William W. Russell.

File No. 839.00/653.]

The Acting Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Paraphrase.]

Department of State,
Washington, September 14, 1912.

What further suggestions have you in regard to definitively curing the present deplorable situation in the Dominican Republic, and restoring it to a condition in accord with what this Government has expected of its policy under the convention?

Adee.

File No. 839.00/664.]

The American Minister to the Dominican Republic to the Secretary of State.

[Extract.]

No. 210.]

American Legation,
Santo Domingo, September 16, 1912.

Sir: I have the honor to inform you that the revolution is apparently no nearer an end than it was when it started eleven months ago. Since last mail the capital of the Province of Seybo was captured by the rebels, but was retaken by the Government a few days later. Dajabon is still in possession of the Government, and there has been no attack on Puerto Plata or Monte Cristi. If the money holds out this state of affairs may continue for some time. The Government military chiefs are enriching themselves, and naturally there is no great activity displayed in the persecution of the revolutionists. The Government holds the towns and remains inside on the defensive; the revolutionists are in bands all over the country and come in and attack the towns at will. The fight at La Vega last week was a fierce one, with a loss of life of nearly 200 on both sides. The revolutionists were compelled to retire, and the Government held the town. As reported by cable, the revolution has nearly all the small towns on the southwest frontier.

The Government seems to think the new President of Haiti will adopt a firmer and more friendly attitude as regards frontier neutrality, and I have been shown correspondence to the effect that Dorsilien has had a rupture with Desiderio Arias, and has left the field.

It looks as if the situation here is rather hopeless. The present administration certainly cannot appease the country, and the triumph of the group now financing the revolution would be disastrous. The name and prestige of Horacio Vásquez are being used to give a show of respectability to the revolutionary movement, but in case of his triumph the men who are supposed to be aiding him would have to be recognized. Reform would certainly not come with the triumph of the revolution.

I have [etc.],

William W. Russell.

File No. 839.00/657.]

[Telegram.—Paraphrase.]

American Legation,
Santo Domingo, September 19, 1912.

Replying to your September 14, I believe our Government should take immediate steps to occupy all the frontier customhouses, which were and are abandoned because the Dominican Government has not been able to maintain law and order. This would release troops for service elsewhere, whereupon the revolution would probably collapse. Such a result, however, would mean the complete supremacy of the Victoria administration, which is extremely unpopular and very detrimental to the country. Even some of Victoria's cabinet officers have intimated that an effective intervention by our Government would be good for the country and intelligent Dominicans in general feel that they had a right to expect that under the convention the existing conditions would not have arisen. To enter into relations with the present leaders of the revolution is absolutely useless, and their success would be disastrous. Only complete control by our Government would permanently insure order and justice, but any degree of control would be beneficial; indeed, without our effective control, one administration here would be just as good as another. Once having landed men for protection of the customhouses, in accordance with our rights under the convention, we might be able to dictate a policy beneficial to the country. The main evils to be remedied are: the absolute subservience of the courts; forced recruiting for the army; wholesale imprisonment without trial; peculation of public funds.

Russell.

File No. 839.00/659a.]

The Acting Secretary of State to Brigadier General Frank McIntyre, Chief of the Bureau of Insular Affairs of the War Department, and William T. S. Doyle, Chief of the Division of Latin-American Affairs of the Department of State, Special Commissioners to the Dominican Republic.

Department of State,
Washington, September 24, 1912.

Sirs: In view of the situation in the Dominican Republic, as set forth in the Department's letter[1] to the President of the 19th instant and its enclosure, in the course of a conference yesterday the President gave oral instructions which I was desired to communicate to you in the following sense:

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[1] File No. 839.00/659d. Not printed; summarized in the following paper.

You are appointed Special Commissioners to proceed at your earliest convenience to Santo Domingo City, there to confer with the Legation and the General Receiver of Customs, to make adequate investigation of the whole situation, holding such conferences as may be advisable with officials of the Dominican Government, and to report with your recommendations as to the advisability of presenting the note to the Dominican Government as set forth in the enclosure herewith[1] and as to such other measures that you deem appropriate satisfactorily to put an end to the present difficulties.

The President has ordered that you proceed to Santo Domingo on the U. S. S. *Prairie*, on board of which will be some 750 marines together with a naval officer of appropriate rank. The President also directed that the movements of the *Prairie*, so far as affecting matters of policy, should be governed by your judgment. At such moment as you deem opportune, subsequent to your arrival at the capital of the Dominican Republic, the President's instructions are to the effect that the marines aboard the *Prairie* shall, in pursuance of the provisions of treaty, reestablish and protect Dominican customs houses at the proper points wherever interfered with from any cause.

The Department trusts that your mission may result in a satisfactory solution of the very important problems presented, which is a matter to which the President attaches the highest importance.

I am [etc.]

HUNTINGTON WILSON.

File No. 839.00/658.]

The Acting Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 24, 1912, 4 p. m.

In view of the situation described in your September 19, the President has appointed Brigadier General Frank McIntyre, Chief of the Bureau of Insular Affairs, War Department, and Mr. Doyle of the Department of State, as Special Commissioners to proceed to Santo Domingo City, where they will confer with the Legation and the Receiver General of Customs, and hold such conferences as may be advisable with Dominican officials, for the purpose of adequately investigating the whole situation and reporting their recommendations as to the advisability of presenting to the Dominican Government a note which summarizes the situation, complains of increases of the debt to a point violative of the treaty, and earnestly counsels the Dominican Government: first, definitely to remove from office and authority the present Minister of War and Interior,[2] as well as his brother who commands the armed forces (thus striking at what appears to be the root of the present unsatisfactory conditions); second, to decree amnesty and give personal guaranties to those who will lay down their arms and submit to the authority of the Government; third, to release from jail all political prisoners except those who were engaged in the assassination of President Cáceres; fourth, to confer and cooperate promptly with the American Minister and Receiver General of Customs in all appropriate matters, such as the maintenance of the reestablished customs guards along the Haitian frontier and the full protection of all customs receivers at their posts; and fifth, to make any other reforms needful for protection of the revenues and restoration of quiet and content throughout the Republic. The Commissioners are further instructed to recommend such other measures as they deem appropriate for the above-mentioned purposes.

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[1] Not printed.

[2] General Alfredo M. Victoria.

The President has directed that the Commissioners proceed to Santo Domingo on the U. S. S. *Prairie*, which will leave Philadelphia September 27 and will carry some 750 marines and a naval officer of suitable rank; and that the movements of the *Prairie* be governed by the Commissioners as far as pertains to matters of policy; and further that the marines, in pursuance of the treaty, reestablish customhouses at proper points in all cases in which they have been interfered with.

You will communicate to the Dominican Government only the facts that the Commission is going to Santo Domingo to investigate the whole situation, and that the marines will if necessary be employed to reestablish and protect customhouses, in accordance with the treaty.

HUNTINGTON WILSON.

File No. 738.3915/174a.]

The Acting Secretary of State to the American Minister to the Dominican Republic.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 24, 1912, 3 p. m.

You will hand the following note to the Minister for Foreign Affairs of the Government to which you are accredited:

"In view of its treaty relations to the Dominican Republic and to the collection of customs on the Dominican frontier, and in view of its position as mediator between the Dominican Republic and the Republic of Haiti regarding their boundary dispute, the Government of the United States has determined to regard as the provisional de facto boundary line between the two republics, without prejudice to the rights or obligations of either country and until a final settlement of the boundary controversy may be concluded, the line shown on the *Map of Haiti and Santo Domingo prepared by the second (military information) division, General Staff, Washington, 1907 and 1908, on Monte Christi sheet No. 6 and Barahona sheet No. 7.*

"In order that customs receipt may be properly safeguarded, the War Department will issue instructions to the Receiver General of

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[1] The same to the American Minister to Haiti, changing the last word "Furniss" to "Russell."

Dominican Customs to reestablish and operate the border patrol, whose duty it shall be to see that the provisional line thus fixed is meantime respected."

Duplicate copies of the map above referred to will be transmitted to the Legation by mail, so that one copy may be transmitted to the Government to which you are accredited. This instruction has also been sent to Furniss.

HUNTINGTON WILSON.

File No. 738.3915/175a.]

The Acting Secretary of State to the Dominican Minister.[1]

DEPARTMENT OF STATE,
Washington, September 27, 1912.

MY DEAR MR. MINISTER: I have the honor to inform you that on September 24 the American Minister at Santo Domingo City was instructed to deliver the following note to the Minister for Foreign Affairs: [see the instruction of September 24, 3 p. m.]

The fact that all of the custom houses on the Dominican-Haitian frontier have had to be abandoned on account of the disturbed conditions there, and the necessity of assuring the observance of the status quo existing at the time this Government undertook, by its good offices, to assist the Governments of the Dominican Republic and of the Republic of Haiti to reach an amicable adjustment of their boundary dispute, have persuaded this Government that it is necessary that some definite de facto line should be fixed, which shall be observed until the ultimate settlement of the boundary controversy. As the line indicated on the War Department's map, referred to in the note to the Foreign Office, insofar as this Government is informed, practically coincides with the status quo existing in January, and as the map was made long prior to the controversy from wholly impartial information, this Government decided to respect the line therein indicated as the customs frontier and to have this line patrolled by the reestablished customs guard under the Receiver General of Customs of the Dominican Republic.

In this connection I desire to draw your attention to the advisability of meeting at the Department with the Minister of Haiti and the Acting Chief of the Division of Latin American Affairs, to formally sign the minutes of the proceedings at the various conferences held at the Department regarding the boundary dispute. For this purpose Mr. Janes will consult with you and with the Haitian Minister and arrange a definite appointment. In view of the fact that at the last session both yourself and the Minister of Haiti announced that you could not agree upon the terms of a protocol to submit the question to arbitration, the Department feels that perhaps the best course to follow will be to endeavor to make some friendly suggestion to both plenipotentiaries in regard to the terms of a submission, and will be glad to take up this question so soon as the customs houses shall have been reestablished and the customs guard replaced on the de facto line.

I am [etc.]

ALVEY A. ADEE.

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[1] The same mutatis mutandis, to the Minister of Haiti.

File No. 738.3915/177.]

The Haitian Minister to the Secretary of State.

[Translation.]

LEGATION OF HAITI,
No. 340.] *Washington, September 30, 1912.*

DEAR MR. SECRETARY OF STATE: I had the honor to receive the letter of the 27th instant in which the Department of State was so kind as to communicate to me the text of a note which the American Minister at Port au Prince was directed on the 24th instant to deliver to the Minister for Foreign Relations.

In support of the determination of the United States Government to consider as a provisional boundary line between the Republic of Haiti and the Dominican Republic the line indicated on the map prepared at Washington in 1907 and 1908 by the Second Division of the General Staff, you set forth considerations which I shall not fail to transmit to my Government. However, until the latter can let me know its feeling with regard to the effect of a convention to which it is a stranger, as well as of a mediation which it has always congratulated itself on having invoked, I feel persuaded that nothing will come to invalidate the formal assurance which was given it in 1905 by the Secretary of State, John Hay, with the full approval of the President of the United States.

While thanking you [etc.]

SOLON MENOS.

File No. 738.3915/179.]

The American Minister to Haiti to the Secretary of State.

AMERICAN LEGATION,
No. 1138.] *Port au Prince, October 10, 1912.*

SIR: Referring to the Department's telegram of September 24th, I have the honor to enclose herewith copies of the correspondence passed between this Legation and the Haitian Government regarding the temporary frontier line between the Haitian and Dominican Republics.

I have [etc.]

H. W. FURNISS.

[Inclosure 1.]

The American Minister to the Haitian Minister for Foreign Affairs.

AMERICAN LEGATION,
No. 658.] *Port au Prince, September 25, 1912.*

SIR: I am instructed by cablegram received from my Government to-day, to hand to your excellency the following: [quoting the instruction of the 24th September]

Copies of the maps above referred to have been transmitted by the Department of State to this Legation by mail, and as soon as received will be forwarded to your excellency.

In the meanwhile accept [etc.]

H. W. FURNISS.

[Inclosure 2.—Translation.]

The Haitian Minister for Foreign Affairs to the American Minister.

FOREIGN OFFICE,
Port au Prince, October 8, 1912.

MR. MINISTER: I have had the honor to receive your note No. 658 of September 26th [sic] last, by which you have kindly transmitted to me in the name of your Government the following communication: [quoting it]

In reply I can not but take note of the decision of which you have kindly informed me, and which the United States, in its laudable earnest desire to be useful, has taken without having had time to ascertain the sentiment of the Republic of Haiti on the subject. It is well understood that this measure, thus decided upon without our participation, can in no wise prejudice the rights of the Haitian people in their present possessions, particularly at such points in the south as La Hatte, Figuier, Roseau, Banane, Bois d'Orme, Tête-à-l'Eau, Bois Tombé, not to mention those which they have always occupied and now occupy, and which have never ceased to form a portion of their territory.

And the patrol that is to be reestablished on the frontier can concern only the Dominicans who have authorized it, doubtless taking into account the provisions of Article 3 of the treaty that they signed with Haiti in 1874.[1] I am, however, happy to ascertain that this patrol will be instructed to respect the present limits of the two republics. My Government, proposing soon to establish interior custom houses, will hasten to give instructions in the same sense to the special police that will shortly be organized on the frontier.

Therefore, without desiring for the moment to examine whether or not the subject matter of your note enters into the powers of a mediator, I do not hesitate to acknowledge the generous motive that animates the United States, and I seize with pleasure this occasion to renew [etc.]

J. N. LÉGER.

File No. 839.00/685.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, October 14, 1912.

The note was presented to the Dominican Government today. There will probably be an answer with counter-proposals. The Dominican Government desires to explain its attitude by a direct communication to the President by cable.

In any event, in order to protect the customs houses in each port, and to impress the Government and the revolutionists with the serious intentions of the United States, additional naval vessels should be sent.

RUSSELL.

File No. 839.00/687.]

The Acting Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 17, 1912.

As to the expressed desire of the Dominican Government to communicate its reply to the note directly to the President, the cable service is most unsatisfactory and the Department is convinced that such a course would result merely in unnecessary delay, detrimental to the interests of both countries. You will say to the Dominican Government that the President directs me to reply that he would much prefer that all its communications be transmitted through the usual channel, in order to expedite in every possible way this matter, which is of such great urgency. You will also state that the terms of the note and the date finally fixed for the Legation's presentation thereof were determined by the personal direction of the President.

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[1] Article 3 of the treaty between Haiti and Santo Domingo of November 9, 1874, reads in translation as follows: "The two contracting parties obligate themselves to maintain with all their force, with all their power, the integrity of their respective territories, not to cede, encumber or alienate in favor of any foreign power their territory or any part thereof or the adjacent islands dependent thereon. They engage likewise neither to request nor consent to any annexation or foreign domination." (File No. 738.3915/186.)

ADEE.

File No. 839.00/688.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, October 20, 1912.

The suggestions of the Commissioners and Legation have been accepted in full by the Dominican Government, covering the following points: 1. Alfredo Victoria and brother to retire immediately from office; 2. President Victoria to announce retirement from office at the close of the Cáceres term, expiring July 1, 1914; 3. Amnesty to be granted in accordance with Department's note; protection of the customs houses will be effected by the United States; the United States will cause the provisional boundary line with Haiti, as outlined in Department's September 24, 3 p. m., to be respected.

By the next mail the Dominican Government will forward an order for the sale of $1,000,000 bonds, the proceeds therefrom to be expended as outlined in last cable in clear.[1] It is recommended that arrangement for sale of bonds be made by the Department immediately and cable information given as soon as funds are available. Trust company will be informed by cable by Dominican Government when the order is dispatched by mail. The Legation should be authorized to exchange notes with the Foreign Office covering disbursement and reimbursement of funds as previously outlined. As the Dominician Government will request withdrawal of the formal note presented by me covering this situation, I ask affirmative instructions.

The Commissioners and I believe that a formal declaration by the United States that no government attaining power through armed revolution will be recognized during the life of the convention of 1907 would be opportune at present and beneficial in the future. The matter was not, however, touched on in the negotiations.

When may additional naval vessels be expected here?

RUSSELL.

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[1] Not printed.

File No. 839.00/694.]

[Telegram.—Paraphrase.]

October 21, 1912.

The President announced by proclamation this afternoon his retirement from office July 1, 1914, and elections are set for May, 1914. Amnesty guaranties and release of political prisoners decreed; also return of citizens from abroad; foreigners not mentioned. The entire Cabinet will resign, the President will return all resignations, after which the Minister of War, for patriotic reasons, will decline to serve any longer. The Minister's brother will also resign.

RUSSELL.

File No. 839.00/688.]

The Acting Secretary of State to the American Minister to the Dominican Republic.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 23, 1912.

Regarding additional naval vessels as per your October 14 and October 20, the naval auxiliary *Caesar* arrives about the 24th.

WILSON.

File No. 839.00/695.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, October 25, 1912.

The Commissioners think the *Wheeling*, *Prairie* and collier should be immediately supplemented with two more gunboats. No more marines needed at present; none yet landed. Doyle expects to meet Horacio Vásquez in a couple of days. New cabinet not yet announced. Things moving slowly.

RUSSELL.

File No. 839.00/714.]

The American Minister and the Special Commissioners to the Secretary of State.

[Telegram sent from Santo Domingo November 13 to Bogotá; transmitted from Bogotá November 20 by the American Chargé d'Affaires there; received at Washington November 22.—Paraphrase.]

AMERICAN LEGATION,
Bogotá, November 20, 1912.

The following telegram received today:

AMERICAN LEGATION, *Santo Domingo, November 13, 1912.* The Commissioners returned from the north November 10, and desire to lay before the Department the following report, in which I concur:

In regard to the possibility of obtaining a peaceable settlement, the Commissioners are convinced that it is unfortunately most remote, owing to the fact that the Government, now thoroughly discredited and wholly unable longer to withstand the rebels unless materially assisted, desires to hold on to its present lucrative position as long as possible at any cost. On the other hand, the revolution, now stronger than ever and confident of ultimate success, is disinclined to make any terms with the Government.

The Department has already been informed of the financial embarrassment of the Dominican Republic. Upon the arrival of the Commissioners, Michelena had been making daily advances, and he consulted the Commissioners as to the advisability of making further advances. The Commissioners assumed the responsibility of saying to him that if he desired to continue assisting the Government during these negotiations, they would recommend that such sums in excess of the Government's share of the customs receipts as he might advance be repaid to him upon final settlement, it being understood that previous advances were not included in the recommendation. But Michelena has now been notified that the Commissioners will not recommend any further advances. If he refuses to make any it is doubtful that the Government can obtain money elsewhere.

Subsequent to the note addressed to the Minister for Foreign Affairs, the first proposed solution was arrived at, which has been reported already to the Department. In exchange for the promise of this reform the Commissioners agreed to recommend the advances of money heretofore outlined, and had the reform been immediately and sincerely carried out the situation would probably have been cured. But the Government has not complied with its agreements nor, in the opinion of the Commissioners, even made any endeavor to do so, evidently satisfied that the announcement of the reforms, accompanied as they were by notorious public acts contradictory thereto, would be ineffective for producing peace. Therefore the President announced his willingness to resign and sent the Archbishop[1] with full powers to negotiate with Vásquez; to his proposals Vásquez made counterproposals, which the Government rejected. The Commissioners were not parties to these negotiations.

On November 12 the President informed the Commissioners that he would not consent to complete removal of Alfredo from office and authority, and there is reason to believe that Alfredo wrote his friends that his removal was but temporary.

Rebels now have possession of Sánchez and Samaná, and points along the railway from Sánchez to Salcedo Crossing near La Vega; they now permit the operation of trains. Their forces are estimated from 700 to 1,500 and are better armed than elsewhere. Rebels in large numbers are reported gathered near La Vega, Santiago and San Francisco Macorís. Puerto Plata and Monte Cristi are besieged, water and market supplies cut off, and the Government restricted to the city limits. The Government, in fact, exercises no functions except within the towns and forts. In the south the rebels are daily attacking Barahona, so actively that the Government can not maintain a customs official there. At Samaná Bay the Government can not prevent contraband from vessels there, for the rebels are not only in control of the neighborhood but have possession of the revenue cutter, which increases the possibility of contraband. At Puerto Plata and Sánchez the merchandise consigned to the larger inland cities, now cut off, fills to overflowing the customs warehouses. Merchants at these inland cities can not send money to pay the duty, representing many thousands of dollars to the receivership.

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[1] The Archbishop of Santo Domingo, Monseñor Adolfo Nouel.

The revolutionary leaders are of such a character that their entrance into power would not in the least benefit conditions. Should the revolution succeed, an attempt would immediately be made to reimburse the amounts spent by its promoters in New York, and to repay advances made by merchants at Sánchez and elsewhere.

The efforts of the President through the Legation and the Commission to bring about peace has started every intelligent Dominican to cooperate, except those profiting by the disturbed conditions. This work is often at cross purposes and not wholly disinterested, but may possibly bring results. And a solution by efforts of the people is much to be preferred to suggestions from the outside. The Archbishop, the members of Congress in the city (a small majority) and private persons are working for peace.

The Commissioners told the Dominican President that they much regretted to conclude that they were unable to assist in the restoration of order owing to what they believed to be the Government's failure to keep its agreements. Whether the Government is absolutely faithless in its announced intention to resign (if paymasters require) should be certain by November 20th.

If the Government should resign and be succeeded, as it would be, apparently, by a good president, it is recommended:

1. That the Government be assisted to establish peace by placing it in possession of the customs houses in the hands of the rebels, and by preventing the rebels from operating within five miles of seaport customs houses;

2. That it should be assisted financially to the extent proffered to the present Government, money to be secured by a loan conditioned on approval of all disbursements by an auditor and a financial adviser designated by the United States;

3. That the rebels be formally notified that they will not be recognized if the Government is overturned by force.

It is believed that action would be necessary only under the second heading.

If on November 20 the present Government is still in power and the insurrection continues, it is recommended:

First. That the Government be advised that in view of its misappropriation of approximately $400,000 of public works funds obtained under the Convention, and in view of its contracting obligations in violation of the Convention to such an extent as to make impossible of execution any arrangement on its part to replace misapplied funds, the United States will direct the General Receiver no longer to pay the Government any part of the customs house receipts.

Second. That the Department of State announce that any money advanced the Government will be regarded as creating a condition of affairs in violation of the Convention.

Third. That any money advanced to rebels will be regarded as gifts to them.

Fourth. That rebels be formally notified that they will not be recognized if the Government is overturned by force.

On or before November 20 the *Prairie*, with the marines not transferred to other ships, should be withdrawn to Guantánamo, and at least three additional gunboats sent, so as to cover every seaport of entry.

The Commissioners believe that it is not worth while to reestablish the customs houses on the Haitien frontier until the restoration of peace, when it will be easy.

Russell.
McIntyre.
Doyle.

File No. 839.00/714.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, November 25, 1912.

The Department approves the program as per your November 13, and authorizes the necessary steps to carry out the recommendations in accordance with the demands of the situation. The disposal of the naval forces is being discussed with the Navy Department.

Knox.

File No. 839.00/722.]

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Santo Domingo, November 26, 1912.

Congress this morning unanimously accepted resignation of President Victoria. The Senate nominated the Archbishop by unanimous vote but must vote twice more on the successive days. Same procedure necessary in the House. All political prisoners have been released. McIntyre sailed today.

Russell.

File No. 839.00/723.]

The Secretary of State to the American Minister.

[Telegram.—Extract.]

Department of State,
Washington, November 29, 1912.

Petrel will reach Santo Domingo about December 12.

Knox.

File No. 839.00/729.]

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, December 2, 1912.

Congress has unanimously elected the Archbishop President for a period of two years and he takes oath tomorrow.

RUSSELL.

File No. 839.00/748.]

The American Minister to Haiti to the Secretary of State.

AMERICAN LEGATION,
No. 1165.] *Port au Prince, December 3, 1912.*

SIR: I have the honor to state that I was informed today by Secretary Léger that he had received a telegram yesterday from the Haitian Consul at Monte Cristi by the way of Cape Haitien stating that the Dominican revolutionists had formed a provisional government at Monte Cristi, with Vásquez as President and Desiderio Arias as Vice President.

Secretary Léger also stated that he regretted this very much as it was his hope that both parties in Santo Domingo would come to some agreement whereby peace would be restored both in Santo Domingo and on the frontier, thereby removing a source of friction between the two Republics.

I have [etc.]

H. W. FURNISS.

File No. 839.00/740.]

[Telegram.—Paraphrase.]

The American Minister to the Dominican Republic to the Secretary of State.

AMERICAN LEGATION,
Santo Domingo, December 4, 1912.

The Archbishop is in full possession but is facing a difficult situation although everything is quiet at present. The followers of Horacio Vásquez are importunately endeavoring to force the President to recognize them, in making appointments to office, as the only ones to be considered. Many are not willing to help reorganize the Government and the formation of the Cabinet is giving trouble.

On December 6 Congress will convene to authorize a temporary local loan of $300,000 and the sale of bonds now on deposit with the Guaranty Trust Company; the latter funds are to be replaced with interest by sequestrating from the Government share of customs receipts an amount not less than $30,000 monthly. The President says it is absolutely impossible to secure assent of Congress to another foreign loan, and that at present such a loan would be disastrous to the Government.

Referring to the Legation's cablegram of November 13 and the Department's reply of the 25th, I should like to be instructed as to how far I am authorized to go in carrying out the recommendations of the Commissioners in regard to the action to be taken by our Government in case of the election of the Archbishop. I strongly urge immediate announcement that during the life of the Convention our Government will recognize no government formed by any successful revolution.

It seems probable that Arias and Vidal will cease armed opposition to the Government. But I believe that although there will be quiet here for a few months the Archbishop will either resign in disgust or be forced out long before the expiration of the term.

RUSSELL.

File No. 839.00/752a.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 11, 1912.

Communicate in writing to Archbishop Nouel the following message from the President:

> It is very distressing to me to know that your duties as Provisional President have proved so irksome, but I earnestly hope that you will continue to discharge them for the allotted time, in the interests of humanity and peace; and I can hardly doubt that every good element will join in supporting the Provisional Government and thus perform their patriotic duty toward the Dominican Republic, in whose welfare the United States is so vitally interested. I assure you that your efforts on behalf of the Dominican people will receive from the Government of the United States the sincerest and most earnest support.

When you hand this message to Archbishop Nouel, say that the President has ordered a battleship to proceed at once to Santo Domingo City; and you will do all you can during your conversation with the Archbishop to deter him from resigning. It is of the utmost importance that he should continue in office to the end of the term; but he should under no circumstances resign without giving notice of two or three months, in order to permit the formation of some other plan for the avoidance of suffering and bloodshed.

KNOX.

File No. 839.00/756.]

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, December 13, 1912.

The message of the President of the United States to the Archbishop has been delivered according to instructions. The Archbishop requests me to send the following answer:

> Accept this expression of my gratitude for Your Excellency's message, received today. Like you, I hope that all good Dominicans will fulfill their

patriotic duty to the Republic, which a long and cruel civil war has caused to suffer greatly. I must trust to the good faith of my fellow-citizens, who are well aware of the sentiment of the great American people, pioneers of liberty and justice, and of the desires of their Government.

The limit of my tenure will depend on circumstances, and it is my fixed intention to leave it as soon as the whole country is pacified.

In my name and that of the Dominican people receive, Mr. President, the expression of the most loyal recognition.

The Archbishop tells me that he intends to deal firmly with Horacio Vásquez, who will arrive here probably tomorrow, on the *Nashville.*

Congress has passed the bill authorizing a straight loan of $1,500,000, to be made by the President subject to the requirements of the Convention. The President is anxious to keep this money out of improper hands, and I suggest that our approval contain limitations whereby any part of the loan not expended by the Archbishop shall not be available for a government succeeding the Archbishop which is not constitutional and recognized by the United States; this would spoil the plans of the partisans of Horacio Vásquez, who fear the Archbishop may resign before the financial question is settled.

RUSSELL.

File No. 839.00/758.]

[Telegram.—Paraphrase.]

December 19, 1912.

Horacio Vásquez yesterday issued an open letter to the country announcing his retirement from politics for the present, and declaring his perfect confidence in the Archbishop, with whose administration Vásquez promises not to interfere.

RUSSELL.

File No. 839.00/773.]

[Extract.]

The American Minister to the Secretary of State.

No. 238.]

AMERICAN LEGATION,
Santo Domingo, December 28, 1912.

SIR: I have the honor to inform you that the political situation is far from satisfactory, although probably less complicated than it was a few weeks ago.

Desiderio Arias is now in Santiago with an armed force of eight hundred men awaiting a favorable solution of his demands. The Horacistas have been apparently quiet since the open proclamation of Horacio that he would retire. Luis Felipe Vidal called on me this morning and stated that he was in complete accord with the Archbishop; that he was sure that he could control Desiderio, and that he was sending to-morrow a commissioner to confer with him.

The Archbiship is doing his best to establish peace in the country by peaceful methods. Everything is quiet in the south and east.

The Government has expended up to date about three thousand dollars ($3,000) in the purchase of arms from various revolutionary groups.

In the Cibao, Desiderio is a menace and the state of affairs there is most unsatisfactory. Don Emiliano Tejera and his group are causing much trouble at the capital.

Federico Velásquez has returned and stated to the Archbishop that he is unqualifiedly a supporter of the present provisional government.

I have [etc.]

WILLIAM W. RUSSELL.

ARBITRATION OF THE BOUNDARY DISPUTE BETWEEN THE DOMINICAN REPUBLIC AND HAITI. GOOD OFFICES OF THE UNITED STATES.[1]

File No. 738.3915/92.]

The Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 15, 1912.

In regard to your December 2[2], January 8[3], and No. 993 of December 23,[4] the Department is gratified to know that the Haitian Government has taken vigorous measures against the Dominican revolutionists, and that it is willing to broaden the powers of the boundary plenipotentiary. Similar action is being urged at Santo Domingo by our Legation.

KNOX.

File No. 839.00/481.]

The American Minister to the Dominican Republic to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, January 19, 1912.

The Minister for Foreign Affairs requests me to inform you that Peynado[5] will leave for Washington in a few days with full general powers to sign a boundary protocol that will be submitted to plebiscite.

RUSSELL.

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[1] Continued from For. Rel. 1911, pp. 151–167.
[2] Should be December 22; see For. Rel. 1911, p. 166.
[3] See this telegram under "Political affairs," above.
[4] See For. Rel. 1911, p. 166.
[5] Dominican Minister to the United States.

File No. 738.3915/96.]

The American Minister to Haiti to the Secretary of State.

[Extract.]

No. 1019.]

American Legation,
Port au Prince, February 8, 1912.

Sir: I have the honor to enclose herewith copy and translation of a note of the Dominican Legation to the Haitian Government relative to the boundary question.[1] The copy was furnished me by the Dominican Legation. Since its receipt I have had several informal talks on the subject with Minister Henriquez and Secretary Léger. I have tried to impress both parties with the necessity for prompt action looking to the speedy settlement of the question rather than long discussions which accomplish nothing. * * *

I have [etc.],

H. W. Furniss.

File No. 738.3915/96.]

The Acting Secretary of State to the American Minister to Haiti.

[Telegram.—Extract.—Paraphrase.]

Department of State,
Washington, March 1, 1912.

In regard to your No. 1019; you will urgently counsel the Minister for Foreign Affairs against further delay of the issue of full powers in accordance with the Department's January 15. The meeting of the plenipotentiaries must not be delayed by any question concerning the status quo line.

Wilson.

File No. 738.3915/98.]

The American Minister to Haiti to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Port au Prince, March 5, 1912.

The Haitian Minister for Foreign Affairs says that full powers were originally given to the Haitian Minister at Washington; but if the Department does not consider them to be such, and will outline the powers it desires him to have, they will be issued at once, as the Haitian Government desires a speedy settlement of the boundary dispute.

Furniss.

File No. 738.3915/98a.]

The Acting Secretary of State to the American Minister to Haiti.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 18, 1912.

State the following to the Minister for Foreign Affairs: Reports have reached this Department that the Haitian authorities on the frontier are giving active support to the revolution led by Arias; that arms are being sent to Haitian ports for reshipment to Dominican territory for the use of the revolutionists; that Hiatian troops are advancing southward beyond the zone in dispute; and that the Government of the United States can not remain indifferent to such information, but must take a special interest in maintaining the status quo on the Haitian-Dominican frontier because of the position it holds as mediator in the question which both Governments have wisely resolved to submit to arbitration according to the terms of a compromise to be arranged at Washington through the good offices of this Government. If the Haitian Government should not take immediate vigorous steps to refute the above-mentioned rumors, this Government will regretfully have to conclude that the Haitian Government has modified its attitude in favor of the settlement of the boundary dispute by immediate arbitration, a conclusion which will appear the more unavoidable because of the apparently inexplicable failure of the Haitian Government to furnish the Haitian Minister here with unlimited full powers similar to those with which the Dominican Minister is provided, signed on January 18 by the Dominican Government, as follows:

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[1] Not printed; it discusses discrepancies between the maps, and the consequent divergence of opinion relating to the status quo line.

> We have resolved to appoint and constitute him, and we do hereby appoint and constitute him, a plenipotentiary of the Dominican Republic for the purpose of negotiating, concluding and signing, with whatever person or persons may hold similar full powers from the Republic of Haiti, any treaty, convention, act, or arrangement that may be deemed necessary for the submission to arbitration of the boundary question pending between the two Republics.

WILSON.

File No. 738.3915/100.]

The American Minister to Haiti to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Port au Prince, March 21, 1912.

I personally presented the Department's March 18th to the Minister for Foreign Affairs and subsequently to the President of Haiti, both of whom reiterate that their Government is assisting the Dominican Government in every possible way; they both allege that the Dominican Minister here personally acknowledges that the Haitian Government is aiding the present Dominican Government. The Dominican Minister, however, denies that he ever expressed himself satisfied with the Haitian Government's attitude, and declares that the Haitian Government is aiding the revolutionists. He asked me to test the good faith of the Haitian Government by requesting the immediate expulsion from Haiti of Vásquez, Rodríguez, Limardo, and others, and I agree to submit this proposition to the Department. I am unable to say which side is telling the truth.

The Minister for Foreign Affairs tells me he will send by the first mail to the Haitian Minister at Washington powers identic with those held by the Dominican representative. The Haitian Government should not be reproached for not having thus far supplied such powers, because by my December 22[1] and March 5 I requested the Department to indicate what was desired and stated that the Haitian Government was willing to comply with such indications.

FURNISS.

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[1] See For. Rel. 1911, p. 166.

File No. 738.3915/112a.]

The Secretary of State to the Dominican Minister.[1]

DEPARTMENT OF STATE,
Washington, April 26, 1912.

MY DEAR MR. MINISTER: In view of the fact that the Minister of Haiti is now in receipt of new full powers to negotiate concerning the Dominican-Haitian boundary dispute, I should be glad to have the plenipotentiaries meet at the Department of State at 10 o'clock Saturday morning, April 27th, for the purpose of renewing active negotiations, and I shall be happy to be present at the meeting.

I have informed the Minister of Haiti in like sense.

I am [etc.].

P. C. KNOX.

File No. 738.3915/110.]

The Division of Latin-American Affairs of the Department of State to the Acting Secretary of State.

[Memorandum of the first meeting of the plenipotentiaries.]

DEPARTMENT OF STATE,
DIVISION OF LATIN-AMERICAN AFFAIRS,
Washington, April 27, 1912.

DEAR MR. WILSON: In pursuance of the appointment made yesterday by the Secretary for the meeting of the Dominican and Haitian Ministers, and for negotiations regarding the boundary dispute, Messrs Menos and Peynado met the Secretary this morning at ten o'clock.

The Secretary, after referring to his recent visit to both countries and to the generous hospitality there enjoyed by him, pointed out the ideal location of these two Republics on what is regarded as the richest of the West India islands, close to a market, and beyond any real exterior peril; the desirability of their maintaining cordial relations with one another, and of the primary necessity, therefore, of settling all controversy regarding their boundary; that, this source of annoyance being removed, it would probably be possible for both countries to materially reduce their military establishments to what may merely be necessary for policing the countries. The Secretary further stated that he regarded these negotiations as of the utmost importance, and sincerely hoped that a speedy adjustment of the matter might be reached which would be both honorable and satisfactory to all parties.

The Secretary thereupon withdrew, and Messrs. Menos and Peynado exchanged their full powers, each reading the authorization of the other without comment. They thereupon adjourned the meeting until Tuesday at 10:30 a. m., when they will come prepared to exchange copies of their respective full powers and to proceed with the negotiations.

DOYLE.

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[1] The same, mutatis mutandis, to the Haitian Minister.

File No. 738.3915/112.]

[Memorandum of the second meeting.]

April 30, 1912.

DEAR MR. WILSON: Pursuant to the adjournment on Saturday, the Ministers of Haiti and Dominican Republic met this morning to continue the discussion of the boundary question. The Ministers exchanged their full powers, each declaring that he found the power of the other in due and proper form, and exchanging copies. The Dominican Minister first asked the Haitian Minister if he had any suggestions to offer regarding the procedure, to which Mr. Menos replied that he had, that he thought that the protocol of arbitration should provide that what seemed to him and his Government to be a previous question should be decided by the tribunal before it entered into a further examination of the case. This question arises out of the fact that the Dominican Republic and Haiti have heretofore entered into conventions which have endeavored to fix the boundary line, and it is alleged on the part of Haiti that money has been paid the Dominican Government pursuant to the arrangement in these conventions and accepted by that Government, and that the conventions are entirely valid and binding and in themselves settle the boundary question. This, I understand, the Dominican Republic is unwilling to admit, claiming that the conventions are invalid, as never having been executed with proper authority and therefore not binding. I told the Ministers that although I could see no intrinsic objection in having this question determined as a previous question, I thought that all difficulties might be evaded if the protocol was made general and both parties permitted to submit all evidence in their possession and to rely on all documents heretofore executed.

After this Mr. Peynado said that he had in his mind a question which seemed to him would have to be decided before the negotiations could be fully concluded by a convention, and that that question was that the status quo on the frontier at the time of the acceptance of the good offices of the United States should be restored, and he stated that Haiti had advanced up to Pedernales and other points which they had not occupied in January of last year, and that his Government felt that the Haitians must withdraw from these positions, and that such violation of the status quo which both Governments had promised the United States to preserve should cease, otherwise the negotiations that they were now trying to conduct would be futile. He said that this was a question that the Ministers must discuss and decide before proceeding to any further negotiations, and for a time seemed determined to press this point, to which the Haitian Minister would not in any degree assent. I told Mr. Peynado that I thought this was a very important and essential question, but that it might be disposed of if he would formally bring this question of status quo to the attention of this Government and submit whatever documents he had by way of proof, when we could make such representations to Haiti as we might deem wise in the premises, and that meantime the negotiations which all were so anxious to hasten could proceed to a conclusion. Mr. Peynado said that he did not care at this time to be understood as saying that the negotiations should not proceed unless and until the status quo was restored, but that he would put his complaint in the form of a memorandum and submit it to the Department, leaving a copy with the Haitian Minister if he desired it; as soon as he had time to prepare the minutes of today's and yesterday's meeting and get them into shape, and to prepare the memorandum to which he referred, he would notify the Haitian Minister and me and a subsequent meeting of the plenipotentiaries could be arranged.[1]

The Haitian Minister thereupon suggested that we continue, and submitted to Mr. Peynado for his study a draft in French of what he proposed to be the first article of the convention of arbitration, but of which he left me no copy. It has however been arranged that the Department shall have a copy of the minutes of the meetings from time to time, and this will undoubtedly be incorporated in them.

DOYLE.

Read to the two Ministers June 22d and no objection.

D.

File No. 738.3915/121.]

[Memorandum of the third meeting.—Extract.]

June 22, 1912.

DEAR MR. WILSON: Pursuant to the notification of the Department the Haitian and Dominican Ministers met at 11:30 today to further discuss the means of arriving at a settlement of their boundary dispute. The entire meeting was consumed in a discussion of three points: (a) Whether or not the Dominican Minister was at fault in so long delaying the present meeting; (b) minutes of the preceding meeting; and (c) the date of the next meeting. * * * After considerable discussion the morning of July 1st was fixed.

DOYLE.

File No. 738.3915/126.]

[Memorandum of the fourth meeting.]

July 1, 1912.

Pursuant to agreement, the plenipotentiaries of Haiti and the Dominican Republic met at the Department of State on July 1, 1912, at 11:00 a. m. The Dominican Minister thereupon stated that he had received a draft protocol prepared by the Minister of Haiti shortly after the last meeting, and having read it had certain observations which he desired to make regarding it. These he submitted in writing, in Spanish, saying that it would not be possible for him to express himself in English or French with sufficient accuracy with regard thereto.

Mr. Peynado thereupon submitted a draft protocol in Spanish, which he proposed should be agreed to.

The plenipotentiaries thereupon determined that, as it would take some time for the Haitian Minister to study the Dominican Minister's draft, adjournment should be taken until 11:30 o'clock Saturday, July 6th.

DOYLE.

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[1] The memorandum here promised was delivered to the Department in the form of a note, dated June 12, 1912. It is printed in this volume under "Political affairs" at page 849. The portion of it pertinent to this correspondence is the second part, after the dash, p. 355.

File No. 738.3915/130.]

[Memorandum of the fifth meeting.]

July 10, 1912.

On Saturday [July 6] at 11 o'clock the Haitian-Dominican plenipotentiaries met further to discuss their boundary question. After two hours' discussion of quite immaterial points they were able to make no progress and adjourned, with the understanding that they should be notified on Monday by the Department the date of the next meeting.

The fundamental difference between the plenipotentiaries seems to be that the Haitian Minister strongly contends that the protocol of arbitration should specifically define the issues between the parties and desires to have determined as a previous question the validity or invalidity of the conventions of '95 and '98, whereas the Dominican Minister seems to feel that a protocol on much broader lines should be drawn, merely referring the whole question to arbitration and at the same time providing for the appointment of an international commission of topographical engineers and experts, appointed either by the Hague Court or by the parties, which shall visit the disputed zone and by means of witnesses ascertain as precisely as possible the location of the three lines of the Treaty of Aranjuez, the line of 1856, and the line of 1874, and report its findings to the court, so that should the court decide the treaties of '95 and '98 to be valid, it will immediately have the information as to where the line of '74 ran. If its decision should be contrary, it will have information before it as to the other two lines. The Dominican Minister contends that, whereas it will be a matter of comparative ease for impartial investigators to ascertain those lines at present, it would probably be quite out of the question for them to do so should it become locally known what line was fixed by the court.

I believe that it would be well if the Secretary would meet the plenipotentiaries on Saturday next at 11 o'clock [July 13], when they have been notified the next meeting will be held, and take up with them urgently the necessity of coming to some conclusion and the possible desirability of the Department's endeavoring to draw a protocol that may reconcile the views of both.

DOYLE.

NOTE.—There is no subsequent memorandum by Mr. Doyle, but see under "Political Affairs," page 369, the last paragraph of the Department's identic letter to the Dominican and Haitian Ministers, dated September 27, 1912; and, below, the last paragraph of the letter from Mr. Peynado, dated November 22, 1912.

File No. 738.3915/183.]

The Dominican Minister to the Secretary of State.

[Translation.]

DOMINICAN LEGATION,
Washington, November 22, 1912.

MR. SECRETARY: I have the honor to send to you herewith in Spanish, marked No. 1, the minutes of the six conferences that we have had at the Department of State relating to the settlement of the boundary dispute pending between the Dominican Republic and the Republic of Haiti, signed by the Haitian Plenipotentiary and by me.[1]

Since the 13th of last July there has been no exchange of views between the two plenipotentiaries other than those of August 8 last; copies[2] of these are enclosed, marked Nos. 2 and 3.

I avail [etc.],

FRAN'CO J. PEYNADO.

File No. 738.3915/183.]

The Secretary of State to the Dominican Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington. December 13, 1912.

SIR: I have the honor to acknowledge with thanks the receipt of the Minister's note of the 22d ultimo, in which he encloses for the information of the Department a record of the minutes [etc.].

The Department notes that since July 13 of this year there has been no exchange of views between the Plenipotentiaries other than the exchange shown in the remarks recorded under date of August 8 last, enclosed by Señor Peynado as enclosures two and three in his note.

Accept [etc.],

P. C. KNOX.

VISIT OF THE SECRETARY OF STATE TO THE DOMINICAN REPUBLIC.

File No. 033.1100K77/223.]

The Dominican Minister to the Assistant Secretary of State.

LEGATION OF THE DOMINICAN REPUBLIC,
Washington, February 15, 1912.

EXCELLENCY: I take pleasure in acknowledging receipt of your kind letter of the 14th instant,[3] relative to the approaching visit of his excellency Mr. Knox to the Republics of Central America and the Caribbean Sea, among which the Dominican Republic is one.

It has given me great pleasure to notify my Government of this visit, and I am equally glad to assure the Department of State that my country and my Government regard the visit of his excellency Mr. Knox as a high honor, which offers them an opportunity to show their cordial respect for the North American dignitary and for his Government and country.

I shall be very grateful to your excellency for any further information which you may send me concerning the contemplated visit, which will surely have a substantial influence on the good relations now existing between this country and those above mentioned.

Accept [etc.],

FRAN'CO J. PEYNADO.

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[1] Not printed. The minutes are not dated; those of the sixth meeting show a formal exchange of the views expressed informally at the fifth meeting, as summarized in the memorandum of July 10.

[2] Not printed; they continue the same matters discussed at the fifth and sixth meetings.

[3] For the letter referred to, see Panama, "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

File No. 033.1100K77/79.]

The Dominican Minister to the Assistant Secretary of State.

LEGATION OF THE DOMINICAN REPUBLIC,
Washington, March 4, 1912.

EXCELLENCY: I take very great pleasure in transmitting to you the cablegram that I received yesterday from the Dominican Government, relative to the journey of his excellency Mr. Knox; it expressly confirms my anticipations, which I have already had the honor to express to you. It reads as follows:

> Communicate to the Department of State that the Dominican Government will receive with the greatest pleasure the visit of the illustrious Secretary, Mr. Knox. Machado, Secretary.

Accept [etc.]

FRAN'CO J. PEYNADO.

File No. 033.1100K77/81.]

The American Minister to the Acting Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Santo Domingo, March 5, 1912.

I have just been officially advised that the Dominican Minister at Washington has informed the Government of the official note of the Department announcing the proposed visit of Mr. Knox. The Minister for Foreign Affairs said to me: "This pleasing news has been received by my Government with real satisfaction, and I can assure your excellency that such an illustrious visitor will receive the warmest of welcome in Dominican territory."

RUSSELL.

File No. 033.1100K77/79.]

The Acting Secretary of State to the Dominican Minister.

DEPARTMENT OF STATE,
Washington, March 7, 1912.

SIR: I beg your acceptance of my appreciative thanks for your thoughtful courtesy in communicating to me, which you did by your note of the 4th instant, the text of the cablegram which you received from your Government concerning the visit of the Secretary of State to the Dominican Republic.

I can not but express to you my satisfaction at the cordial welcome which it conveys, so in harmony with the friendship which has consistently moved the Dominican Government in its relations with the United States.

Accept [etc.]

HUNTINGTON WILSON.

Address of Mr. Knox to the President of the Dominican Republic, Santo Domingo, March 27, 1912.

Mr. President and Gentlemen: In fulfillment of the wish of the President of the United States that I should personally meet the eminent men to whom the people of the neighboring Caribbean countries have confided the reins of government and that I should enjoy the privilege of becoming better acquainted with the peoples of those countries, it is my good fortune to come among you bearing a cordial message of good will from the Government and people of the United States to their comrades in the community of American republics. I feel especial gratification in being enabled for the first time to breathe the air of the oldest city in all the Americas, identified for all time with the undying fame of Columbus, founded by the great Admiral's brother; the spot where first were planted the fertile seeds of civic order and of Christianity in the great western empire of the peoples; the scene of the untiring efforts of the discoverer to found an enduring civilization; and the home of Las Casas, that great and good man who, in the sixteenth century, stood forth as the advocate of the rights of man and who is justly revered by all liberty-loving Americans as one of the earliest apostles of democracy and freedom.

I stand, as it were, in the passing shadow of the bereavement your country has suffered in the loss of that humble, unselfish, and sincere patriot, Ramón Cáceres, slain at his post of duty; but I rejoice to see the passing of that dark cloud without disturbing the normal march of your people in the broad path of orderly self-control. It is an especial satisfaction to me that I can say this to you, men of Santo Domingo, who are in a position to bear witness to the unfeigned interest the United States takes in the welfare and stable progress of the peoples of the great American brotherhood; to the earnest sympathy we feel for all the younger commonwealths that, like your own, have passed through the fires of tribulation toward a higher and better national life; and to the unselfish spirit that prompts my countrymen and the Government of which I am a part to extend a ready helpfulness to all who are prepared and willing to help themselves to win stability and good order for themselves and for their posterity.

Santo Domingo stands to-day a bright example to all the Americas and to the world, teaching the lesson that all free peoples are fit for good self-government if they set about it in a way to do justice to themselves. That is what you Dominicans have done, and it is precisely because of this that my country was enabled to lend you a helping hand in order to strengthen and make durable the rehabilitation for which you strove. The rapid growth of national revenue and agricultural resources in the last five years is far beyond the most fervent expectations. I am convinced that this is but the beginning, and that your Republic is but on the threshold of still greater progress. Your position among the countries of the western seas is singularly advantageous. Lying on the avenues of approach to the Isthmian Canal, now on the eve of completion, your island can not fail to share in the prosperity that will attend the opening of a highway destined to change the old currents of international commerce.

I have had recent occasion to emphasize, in public addresses, the new and enlarged responsibilities to be assumed by the United States as the patron of the Isthmian Canal, and as the upholder of the time-honored doctrine which bears the name of Monroe. The maintenance of that doctrine and the effective carrying out of the policies that flow therefrom demand a peculiarly intimate coordination on the part of all the nations which are to reap far-reaching benefits of the canal. It behooves them to be cooperative, not obstructive. Each is concerned in uplifting itself; each is benefited by the uplifting of its neighbor. No more signal obstruction could be interposed in the path of general progress than for any of the affected countries to fall into disrepute through subversive disturbances or failure to discharge its international obligations. No greater aid can be given toward realizing that general welfare for which we all strive than the solid establishment of peaceful prosperity. You, men of Santo Domingo, have led the way toward realizing this high end through means whereby your country may continue to be prosperous, independent, self-respecting, and entitled to the respect of all.

The relations of friendship and cordial intercourse which have always existed between the United States and Santo Domingo are singularly close and have worked for the mutual advantage of both countries, thus fulfilling one of the highest duties of neighborliness. Flowing through natural channels, their reciprocal commerce has thriven and has kept afloat one of the few lines of steamers that have survived the competition of foreign shipping.

It is the earnest prayer of my country and of my countrymen that peace and freedom may be the abiding heritage of the people of Santo Domingo; that internal perturbations and external conflicts may be averted by wise and just counsels at home and in your foreign relations.

In conclusion, permit me to express how deeply I am touched by your cordial welcome; and, feeling that it is rather the people of the United States that you greet than my individual self, I thank you in the name of my fellow citizens.

Reply of President Victoria.

[Translation.]

Mr. Secretary: The presence of the honorable the Secretary of State of the United States of America in this capital is a source of great satisfaction to the Dominican people and to my Government. His official visit to the countries of Spanish origin is a notable event in the history of these young republics.

This visit, which undoubtedly must be profitable to the good relations so happily existing between the United States of America and these peoples, co-workers in the cause of peace and progress, will mark an epoch in the history of our international life—and I hope that it may result thus for the good of all and the glory of this continent.

Accept, Mr. Secretary, the most cordial welcome, which I am glad to extend to you in the name of the Dominican people and of the Government which I represent.

ECUADOR.

POLITICAL AFFAIRS.—INSURRECTION.—CLOSURE OF PORTS.—MEASURES TO PROTECT AMERICAN INTERESTS.—REQUESTS FOR ASYLUM AT AMERICAN LEGATION AND CONSULATE; ATTITUDE OF THE UNITED STATES.—SUCCESSION OF PROVISIONAL PRESIDENTS FREILE ZALDUMBIDE AND BAQUERIZO MORENO.—ELECTION AND INAUGURATION OF PRESIDENT PLAZA.

Introductory note. During an uprising against him, August 11, 1911, General Eloy Alfaro, President of Ecuador, took refuge in the Legation of Chile; from there he sent his resignation to Congress. (See For. Rel., 1911, pp. 186–187.) On August 31, 1911, in a letter to the Diplomatic Corps at Quito, he promised to depart at once for Panama, remain in exile "at least a year," and keep entirely aloof from Ecuador's affairs while absent. On this understanding the Government of Ecuador consented, September 13, 1911, to his departure.

His successor, Emilio Estrada, died December 21, 1911. On receipt of this news next day at Esmeraldas, a port near the Colombian border, the insurrectionists there organized a provisional government for the province of Esmeraldas, and also cabled General Flavio E. Alfaro, nephew of General Eloy, that they had elected him Supreme Chief of the Provisional Government of Ecuador. Both the Alfaros were at Balboa, Panama. Flavio sailed December 23, made landings at Tumaco, Limones and other points on December 26–28, and on the 29th at Esmeraldas, where he completed his military preparations for that region.

On the 30th Flavio's agents at Guayaquil notified him of the organization, on the 28th, of a rival provisional government of which the Supreme Chief was General Pedro J. Montero, who, ignoring Flavio, had sent for Eloy, under whom he had served during Eloy's presidency, and to whom he still deferred. Eloy Alfaro arrived January 2, 1912, and Flavio on the 5th, at Guayaquil. The two provisional governments were consolidated by the submission of Flavio, who on January 8 was made commanding general, Montero retaining his title of Supreme Chief; Eloy, the real leader, had no office, but, in a manifesto addressed to the people, gave himself the character of mediator, though without mentioning any question at issue.

Flavio left Guayaquil on January 11 to take the field and soon met the Esmeraldas troops, who had been defeated on January 9th at Huigras. Flavio was defeated at Yaguachi and at Naranjito, January 17–20, in the course of which engagements he was wounded, a circumstance that gave Montero a pretext for relieving him of the command, which he transferred to General Eloy, January 19. Flavio next day severed his connection with Montero's command. The Government forces under General Leonidas Plaza Gutiérrez and his second in command, General Julio Andrade, had defeated the rebels in every engagement, and on January 22 articles of capitulation were signed by Generals Plaza and Montero, and witnessed by the British and American Consuls General, whereby in exchange for surrender General Plaza granted safe conduct ("amplias garantías") to all persons, civil and military, who had directly or indirectly taken part, for any reason, in the "political movement of December 28, 1911," excepting common criminals.

But the populace, both at Guayaquil and Quito, demanded the persons of the rebel leaders with such fury that the Government overruled General Plaza and ordered them to be tried for treason. On the 25th the trials accordingly began, the Minister of War, Navarro, presiding; Montero was the first to be tried and he was sentenced to sixteen years in jail: the maximum penalty. This was immediately made known to the people, thousands of whom, demanding the delivery to them of the prisoners, had for hours been crowded before the court-room; they entered, overpowered the guards, and lynched Montero in the most brutal way.

General Plaza now received orders to transfer the other prisoners to Quito for trial, but he demurred because he believed he could prevent a recurrence of violence in Guayaquil, whereas at Quito not one of the prisoners would escape the mob. Again ordered to send them to Quito, he obeyed, vehemently protesting. On the 28th all the prisoners were lynched, immediately after arrival in Quito.

File No. 822.002/13.]

Doctor Chávez Franco to the Secretary of State.

[Telegram.]

GUAYAQUIL, (undated); *received January 2, 1912.*

Popular government constituted. Supreme Chief of Republic, General Montero. Cabinet: Foreign Affairs, Dr. Carlos Franco; Interior, Dr. Tama; War, Martinez Aguirre; Public Instruction, Dr. Arzube Villamil; Treasury, Dr. Borja.

New government guarantees respect foreign interests, specially of American citizens, for which country we have special esteem and friendship. First act of Government united immediate payment railroad coupons.

MINISTER FOREIGN AFFAIRS,
CHÁVEZ FRANCO.

File No. 822.00/184.]

The American Minister to the Secretary of State.

[Paraphrase of telegram forwarded from Bogotá January 6, 1912, by the American Minister to Colombia.]

AMERICAN LEGATION,
Quito, January 2, 1912.

General Eloy Alfaro, at Panama,[1] is said to be conspiring against the Government of Ecuador, which requests the Government of the United States to take the necessary steps to prevent Alfaro's departure from Panama.

The forces of Montero[2] are reported as far north as Huigra; several thousand Government troops are between Aloa and Riobamba.

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[1] Alfaro arrived at Guayaquil on January 2; see introductory note.
[2] Should have been Flavio Alfaro's forces; see introductory note.

Such ports as may fall into the hands of the revolutionists are closed to commerce, officially, but the Government is unable to enforce blockade. Telegraphic communication between Guayaquil and Quito is cut off and railroad traffic suspended.

YOUNG.

File No. 422.11G93/420.]

The Secretary of State to the American Consulate at Guayaquil.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 6, 1912.

Hand the following, textually and unofficially, to the authorities at Guayaquil:

> I have been instructed by my Government to deliver to the Minister for Foreign Affairs a note in the following terms:
>
> Destruction of valuable American properties in the course of the present unfortunate disturbances obliges the Government of the United States to give notice that American lives and property within the Republic must be fully and adequately protected. This Government, furthermore, must hold Ecuador strictly responsible for all wanton or illegal attacks upon American property or interests there situated, including the improper appropriation, conversion, or diversion of funds set aside by the Government of Ecuador under solemn contractual obligations assumed by it toward American investments.

KNOX.

File No. 822.00/193.]

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Quito, (undated); received January 12, 1912.

The January 6 instruction from the Department was complied with immediately.

YOUNG.

File No. 822.00/197.]

AMERICAN LEGATION,
Quito, January 13; received January 15, 1912.

Confirmation received of report of Government victory at Huigra. As counter-revolution may break out at any time at Guayaquil, I have advised the Consul General and the *Yorktown* to refuse to receive political refugees. In my opinion asylum should under no circumstances be given to either Eloy Alfaro or Montero. I am reliably informed that the former will seek refuge on the *Yorktown* if the revolution fail. I urge that instructions in the above sense be sent by the Department to the Consul General and to the *Yorktown*, in view of bad telegraphic service from Quito.

YOUNG.

File No. 822.00/184.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 17, 1912.

Your telegram of January 2, via Bogotá, regarding closure of ports to commerce. You will state to the Government of Ecuador that this Government must regard proclamations closing ports not in the possession of the regular Government as utterly nugatory unless, and only as long as, such ports are effectively blockaded. State further that this Government reserves on behalf of citizens of the United States, and their vessels and other property, all rights to which they may be found entitled under the law and the facts in any case that may arise. See Moore's Digest, Sec. 1271, particularly pages 808 et seq., for the general principles of international law applicable to such cases.

KNOX.

File No. 822.00/202.]

General Montero to the Secretary of State.

[Telegram.]

GUAYAQUIL, (undated) *received January 17, 1912.*

My Government will fulfill every obligation contracted by Ecuador, and fully respect foreign and especially American interests.

PEDRO J. MONTERO,
Jefe Supremo.

File No. 822.00/210.]

The Chargé d'Affaires of Ecuador to the Secretary of State.

[Not a translation.]

LEGATION OF ECUADOR,
Washington, January 18, 1912.

HONORABLE SECRETARY OF STATE: I believe it is my duty to lay before your excellency some facts relating to the present political situation in my country and to relieve the United States Government of any unusual anxiety regarding the life and property of American citizens in Ecuador.

Your excellency is aware that on the 22nd of December last Mr. Emilio Estrada, Constitutional President of Ecuador, died at Guayaquil, and that, following the provisions of the Constitution, he was succeeded in the Executive functions by Dr. Carlos Freile Zaldumbide, President of the Chamber of Senate. Mr. Freile Zaldumbide, in accordance with the Constitution, called for elections that should have taken place on the 28th, 29th, 30th and 31st of this month.

On the 28th of December General Pedro Montero, Commander of the Third Military Zone, revolted against the Constitutional Government, at Guayaquil, and proclaimed himself Provisional Supreme Chief of Ecuador, pending the arrival of General Flavio Alfaro, in favor of whom, it is said, this political movement has been made.[1]

The action of General Montero is entirely unjustified. Barely thirty days were to elapse when he and his partisans could have had constitutionally elected General Flavio Alfaro, or anybody else. No reasons were given for such an outrage, that is costing and will cost the credit of the country and enormous losses involved in war expenses, damage of crops, paralysis of labor, and the sequel of indemnities that the nation will have to face eventually. It has been simply an assault which nobody could ever have expected. General Montero only a few months before, in August last, had given evidence of his respect for the Constitution by refusing support to the dictatorial tendencies of his intimate friend and mate General Eloy Alfaro, former President, in his attempt to proclaim himself Supreme Chief, and by standing with the army of his command by the people. The present Government could not suspect General Montero of treason, therefore continued him in the command of the Third Military Zone.

General Flavio Alfaro, who in August last acknowledged and advised his followers to acknowledge the legitimate Government of President Estrada and then voluntarily exiled himself, and General Eloy Alfaro, former President, who resigned in August also after promising the Diplomatic Corps in Quito, who had shielded him from the vengeance of the populace, not to take any further part in the politics of the country, are both back in Guayaquil, and it is said that both are taking active part in the work of the mutineers.

To show how far General Eloy Alfaro is a prime mover in the action of General Montero, I beg to refer to the request that my Government sent through the American Minister in Quito shortly after Mr. Estrada's death, to prevent any breach of neutrality in the Canal Zone. It was reported that he was planning to ship war materials to help the overthrowing of the Government of Ecuador.

As to General Flavio Alfaro, his appointment as Provisional President by General Montero[2] is quite sufficient to prove that he is greatly responsible for the actual conditions in my country.

The Province of Esmeraldas, probably the city of Esmeraldas only, far away from the port of Guayaquil and only accessible by sea, and where there was a very small garrison, proclaimed itself for General Flavio Alfaro a few days before the coup of General Montero; which fact shows conclusively that some understanding existed between them.

General Montero holds Guayaquil, where he revolted, and most likely the city of Babahoyo, capital of the Province of Los Rios, has also been "proclaimed." Outside of Guayaquil, Riobamba, Cuenca and Quito, no regular troops were stationed in any town, so that it is an easy matter to "pronounce" or to subdue a few other towns and villages. In all, General Montero may now control Guayaquil, Babahoyo, and Esmeraldas. Guayaquil and Babahoyo are in direct communication by the river Guayas, but Esmeraldas is so distant from Guayaquil that it is practically impossible for the revolutioneers to run any kind of Government in said town.

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[1] This is a confusion of two rival movements; see introductory note.

[2] This is an error; the provisional president was Montero, who appointed Flavio to be "General-in-chief of the Army and Supreme Director of the War"; see introductory note.

The Constitutional Government is in full control of the Provinces of Carchi, Imbabura, Pichincha, Leon, Tungurahua, Chimborazo, Bolívar, Cana, Azuay, Loja, and probably of Manabí and Oro also, and in all probabilities they will all remain loyal under their constitutional rights. The Government has not expressed even sympathy for any candidate in the elections; in fact it did not even have time to do anything else than call for general and free elections according to the Constitution.

It is well to point out that in this revolution only soldiers have taken part. Not even a minimum portion of the people has joined the mutineers and no grievances of any kind have been put forth. The people of Guayaquil, Babahoyo, and Esmeraldas, at the mercy of the soldiers, have been obliged to accept whatever has happened.

I understand that your excellency is anxious about the conditions regarding the railway between Durán and the interior, property of an American company. I have no official news as to anything that might lead to understand that the property is in danger of damage. As to the part of the line that is within the portion of the country under the control of the Constitutional Government, I can assure your excellency that not only it is not exposed to any damage but that it is amply protected, and that all transportation services and others will be promptly paid. In regard to the line located in the part of the country where the troops of General Montero are stationed, I do not think that any damage will be done willingly.

I have been informed extra-officially of the destruction of a bridge, and this may have been done by the revolutionists. However outrageous the move of General Montero and Generals Alfaro may be, I do not believe that they will injure in any way the property of any foreign citizen or corporation.

Whatever legitimate claim the Company might eventually have against the country for loss or interruption of business, incidental damages or others, the country will pay, as it has always paid. As a consequence of the last revolution of 1906, promoted also by General Eloy Alfaro, the Guayaquil & Quito Railway Company filed a claim amounting to $85,000, and this was promptly paid. No action of your excellency's Government was necessary.

Ecuador has always made good any and all legitimate claims of foreigners, never having given cause [for] the intervention of any foreign power. The country well understands that it is directly responsible for the life and property of foreign citizens, and it has always been its policy to protect them and make good any and every justified claim.

The line between Durán and the interior affords the only practicable way of conveying troops. The Government will have to transport its troops on the line and will pay, in conformity with its contract with the company, the proper fares. It would greatly assist the action of the Government in repressing the revolution if General Montero and his soldiers were not permitted to use the line, its rolling material, etc.; but not even for that purpose would I ask your excellency's Government for any interference in the shape of a drastic action to put the property of the Guayaquil & Quito Railway Company under direct protection of a foreign force.

Personally I am a good and sincere friend of the United States and the Government that I represent has the same good feeling towards this country and its Government, and I know that any action on your excellency's part to intervene in this matter, other than in a moral way, might be looked upon, not only in Ecuador but in all South America, as contradictory to your excellency's policy of respecting and always having respected the autonomy of the sister Republics.

The Constitutional Government of Ecuador will, certainly, overpower the revolution. It is standing for no particular man or party, and it is only sustaining the constitutional rights against a military coup.

It is the policy of your excellency's Government to support in any case and at all events the constitutional rights of all countries, and I am positive that in this particular case all the sympathies of the United States are for the Constitutional Government of Ecuador, which has done nothing to justify, even in appearance, any revolt.

While I acknowledge the perfect right that your excellency has to be absolutely assured as to the protection that American citizens and their property should receive from any civilized country, I strongly appeal to your so well-known good feelings towards South America in general, begging you to instruct your representatives in Ecuador to avoid all drastic actions. These might be misunderstood and lead to a disagreeable state of affairs for the Constitutional Government. The revolutionists themselves might spread the false news that the Constitutional Government had sought for American intervention, and raise in the country an unjustified ill feeling against both the United States and the Constitutional Government, and cause an endless struggle the consequences of which can not be foreseen.

I am positive your excellency will approve of my frank exposition, and that the people and Government of Ecuador will have one more reason for appreciating the proceedings of the United States on behalf of closer and friendlier relations with one of the sister countries of the American continent.

Accept [etc.]

S. S. WITHER Y S.

File No. 822.00/215.]

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Quito, January 20, 1912.

Military Attaché Captain Cordier left for Guayaquil today in accordance with Department's instruction of January 17, 5 p. m. He will handle the situation admirably, I believe.

YOUNG.

File No. 822.00/228.]

January 23, 1912.

Guayaquil now occupied by Government troops. Consular corps there have made representations regarding disposition to be made of prominent prisoners, among whom are Eloy Alfaro and Pedro Montero. I have instructed our Consul General to take no part in such action, leaving the question to the Government of Ecuador entirely.

YOUNG.

File No. 822.00/268.]

January 26, 1912.

For the information of the Department I forward the following telegram from our Military Attaché in Guayaquil:

> *January 24.*—General Plaza has promised me to protect fully the Consulate General and American interests whenever necessary. Commander Bertolette died on his ship this morning. One seaman ashore from yellow fever. More cases suspected. Epidemic of malaria feared on the *Yorktown.* Very bad sanitary conditions at Guayaquil and will become worse. I strongly recommend withdrawal of the *Yorktown* and recall of *Maryland.* There is no necessity for a war vessel here. The Government is in complete control and internal peace assured. Damage to railroad comparatively slight.
>
> CORDIER.

YOUNG.

File No. 822.00/224.]

The American Consul General at Guayaquil to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Guayaquil, January 26, 1912.

General Montero was sentenced by court martial on January 25 to sixteen years in prison. All other principals were taken to Quito. The mob disapproved the sentence of Montero to mere imprisonment, overpowered the guards, dragged Montero into the street and burned him to death some three blocks from the jail.

DIETRICH.

File No. 822.00/224.]

The Secretary of State to the American Legation.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 26, 1912.

The Minister of Panama has called at the Department to urge intercession by this Government in behalf of Eloy Alfaro. Dietrich reports that Alfaro and Páez are being taken to Quito for trial. While this Government fully realizes that it would be inappropriate to make formal representations, it feels nevertheless that a recurrence of such a brutal lynching as occurred at Guayaquil might be unfortunate for the good name of Ecuador.

KNOX.

File No. 822.00/197.]

The Secretary of State to the American Minister.

DEPARTMENT OF STATE,
No. 38.] *Washington, January 30, 1912.*

SIR: The Department refers to your telegram of the 13th instant reporting the probable outbreak at Guayaquil of a counter-revolution and in which you state that you had already advised the Consul General at that place and the commander of the *Yorktown* to receive no political refugees, and suggest that the Consul General and the Commander of the *Yorktown*, in view of the difficulties of communication between Quito and Guayaquil, be furnished by the Department with instructions in the above sense.

No attempt will be made to discuss the question of asylum in ships of war, which you will find fully treated in Moore's Digest, volume 2, pages 845 et seq. It is understood that this subject is covered by the standing instructions furnished by the Navy Department to all American naval officers.

As to the question of an instruction to the Consul General at Guayaquil, the Department is of the opinion that the instructions that were issued to him at the time of the local riots against the Peruvian citizens at Guayaquil during the spring of 1910 covered the case fully and adequately, and made any further direction unnecessary.

You are correct in assuming that what is technically known as "the right of asylum" in a strict sense is not claimed by this Government. However, there is an evident distinction between this case and that where temporary refuge is given within the residence of a consular or diplomatic representative in order to preserve innocent human life. The general practice of the Department on the subject of temporary refuge is embodied in an instruction to the Consul General at Guayaquil which you will find in the files of the Legation.[1]

In the case of temporary refuge, the Department finds it expedient to give a certain latitude to the judgment of the official who is called upon to determine, within his discretion, the course recommended by broad considerations of humanity in each individual case. It is accordingly the general rule of the Department to place all emphasis upon the responsibility of the consular or diplomatic officer in the matter and to permit him, within these limitations, at his discretion to afford temporary refuge where such is necessary to preserve innocent human life.

I am [etc.]

P. C. KNOX.

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[1] The instruction referred to is as follows: "Department of State, Washington, April 5, 1910. Consul General, Guayaquil, Ecuador: You may in your discretion afford temporary refuge where such is necessary in order to preserve innocent human life. Knox."

File No. 822.00/210.]

The Secretary of State to the Chargé d'Affaires of Ecuador.

DEPARTMENT OF STATE,
Washington, January 30, 1912.

SIR: I desire to acknowledge the receipt of your courteous note of the 18th instant, in which you give an account of the events which led up to the revolutionary movement that recently developed in Ecuador, and make comment on the political situation existing in your country, according to the information in your possession at the time of your writing. You point out that with the exception of a few outlying districts, the port of Guayaquil, and the city of Esmeraldas, the Government of Señor Carlos Freile Zaldumbide was recognized as the legitimate, constituted authority by the inhabitants of the entire Republic, who condemned the movement inaugurated by the proclamation of General Montero, in December last, at Guayaquil. You add that Ecuador understands its responsibility in guaranteeing protection of life and property and will satisfy any legitimate claim for damages growing out of the political disturbances upon Ecuadorian territory.

You state that any drastic action taken by the American forces at Guayaquil in order to afford protection to the interests of American citizens established in Ecuador would have had a most unfortunate political effect in your country and throughout South America.

In this acknowledgment of your communication I desire to assure you that the American Government would have sincerely regretted any necessity for such action in Ecuador as you refer to, but undoubtedly would have been delinquent in its clear duty if it had failed to make all adequate preparation for an emergency which might have arisen from the turbulent conditions then existing in Ecuador.

The expression of the friendly feeling of yourself and your Government, conveyed in your note, are cordially reciprocated; and it must be apparent that the Government of the United States has consistently pursued a course in its relations with Ecuador which has been dictated by its high esteem of the friendship it has always desired to cultivate with that country.

The assurances which you have given that the claims of the Guayaquil and Quito Railway Company, arising out of the past conflict, will be promptly and fully paid, have been received by me with satisfaction.

The Department has been gratified at the receipt of reports indicating that the revolutionary movement in Ecuador is at an end, and ventures to voice the hope that normal conditions will be completely and permanently restored in that Republic, in order that a new era of political and economic advance may be inaugurated which will assure to the country a development to which it has a right to aspire and enable the Republic to fulfill its obligations toward all legitimate enterprises within its borders—an object in the accomplishment of which all patriotic effort should unite in order to procure for the Ecuadorian nation the full benefits that should naturally flow from a continued maintenance of constitutional order.

Accept [etc.]

P. C. KNOX.

File No. 822.00/239.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Quito, January 30, 1912.

Eloy, Flavio and Medardo Alfaro and Ulpiano Paez[1] were brought here the 28th, and had scarcely reached the penitentiary when a mob of civilians and soldiers perpetrated upon them the most monstrous and barbarous atrocities. While still living, their eyes were gouged out, * * * and they were dragged naked through the streets by ropes, while women carried the bloody garments, shouting; they were finally shot to death and their bodies burned.

BINGHAM.

File No. 822.00/266.]

[Extract.]

No. 53.] AMERICAN LEGATION,
Quito, February 2, 1912.

SIR: I have the honor to send the following report of the recent armed disturbances in Ecuador.

President Estrada left the capital for Guayaquil on November 27 in the hope that the change to the coast would improve his health. While many alarming rumors had been current about the President's health, no one knew that the President's state was as critical as later developed. It was therefore with considerable surprise that on the morning of December 22 news was received at the Legation that President Estrada had died suddenly the night before.

The death of the President was a great disappointment to this Legation, because after a great deal of work on the part of all the members of the staff, the Ecuadorian Government had resumed daily deposits, and 184,000 sucres were already on deposit in London, while arrangements had been made to secure locally the difference necessary to meet the January coupon, and negotiations were well under way to arrange a loan for the three coupons overdue. At one blow the entire work of this Legation since August was rendered null.

Immediately after the death of the President, General Leonidas Plaza G. was announced as the Government candidate, and his nomination was apparently received with great enthusiasm throughout the whole Republic.

It is here necessary to review the fact that General Plaza, during his previous incumbency of the presidency, during the years 1901 to 1905, had been noted for his strong anticlerical views and the stern manner in which he curbed the privileges of the Church. He was therefore very unpopular with the Conservative party, which is by far the most numerous in Ecuador, although as it does not as a rule take a very active part in politics and does not control many newspapers, its opposition to General Plaza did not become at once apparent.

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[1] Also General Manuel Serrano and Colonel Luciano Coral.

One other factor of great importance entered into the situation. It will be remembered that the last Congress annulled the charter of the Compañía Nacional Comercial, a monopoly in which the great moneyed interests of Guayaquil were heavily interested. General Plaza, during his short incumbency as Minister of Hacienda, had shown himself the enemy of this monopoly and was therefore openly opposed in his candidacy for the presidency by the business interests of Guayaquil. These interests, while usually taking no part in politics, of course immediately begin to do so when a condition of affairs arises which interferes with their business.

The men behind the Compañía Nacional Comercial therefore desired some man for President, it did not matter who, whom they could control and who would not interfere with their privileges. General Plaza they could not control, and therefore they were opposed to him.

I believe that the opposition of these two elements, the Conservative party and the moneyed interests behind the Compañía Nacional Comercial, was responsible for the recent revolution.

It must be remembered that the Executive Power in this country rests entirely on armed force, that is, the Army. It was therefore the attempt of the forces opposing General Plaza to subvert a portion of the Army. This they found ready to their hands in the person of the opportunist commander of the Third Military Zone, General Pedro J. Montero, and the garrison of Guayaquil. General Pedro J. Montero is an old friend of General Eloy Alfaro and could therefore count on the support of the Alfarista party and other elements disaffected with the present Government.

[Military news.]

On the morning of December 30 news was received at the Legation of the destruction of the wooden trestle railroad bridge near Alausi. This was immediately made the subject of a note of protest to the Foreign Office.[1] The Government replied that the destruction of the bridge was the work of the revolutionists and requested that the railroad company immediately repair the bridge at the expense of the Government.

On the morning of January 7 the U. S. S. *Yorktown* reported her arrival in Guayaquil.

[Military news.]

Had the revolutionists so desired they could still have made the Government pay heavily for the taking of Guayaquil. This would however very probably have involved the destruction of the city, and the foreign business interests appealed to General Eloy Alfaro to surrender in order to save lives and property. Emissaries were therefore sent to Durán to confer with General Plaza, and, as I understand (I have as yet no definite information on this subject), the revolutionists agreed to surrender Guayaquil provided that they, the leaders, were permitted to leave the country. This agreement was signed by General Plaza and witnessed by the British and American Consuls.

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[1] Not printed.

The Government repudiated the action of General Plaza and ordered the leaders of the revolution to be tried for treason. General Plaza protested but was overruled.

I have [etc.]

RUTHERFURD BINGHAM.

File No. 822.00/252.]

The American Minister to the Secretary of State.

[Telegram.]

SANTA ELENA, ECUADOR,
Not dated; received February 13, 1912.

Request *Maryland* be held Santa Elena until my arrival Washington, but no objection to temporary trip Panama for supplies provided *Yorktown* remains Ecuadorian waters during absence *Maryland.* Strongly urge and recommend Captain Cordier, who is in touch with political situation, remain with warship.

YOUNG.

File No. 822.00/269.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, February 28, 1912.

Cordier reports all quiet on the coast. *Yorktown* may safely be withdrawn if she remains within reach. Political conditions calm for the moment, but impossible to foresee outcome.

BINGHAM.

File No. 822.00/276.]

[Extract.]

No. 64.]

AMERICAN LEGATION,
Quito, February 28, 1912.

SIR: I have the honor to advise the Department that the political situation, due to the election of a new President, has reached such a point of tension that it is very probable that further armed disturbances may occur. * * * The Conservatives are supporting Dr. Tobar[1] and the Church is exerting its influence in his favor. The members of the present Provisional Cabinet are also assisting him, whether from Conservative sympathies or personal antagoism to General Plaza. On the other hand the Army is strongly in favor of General Plaza, its commander in the successful campaign which has just closed, and may not permit a free election, thus introducing the danger of civil disturbances referred to above. * * *

I have [etc.]

RUTHERFURD BINGHAM.

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[1] Carlos Rodolfo Tobar, Minister for Foreign Affairs.

File No. 822.00/287.]

No. 69.] **American Legation,**
Quito, March 8, 1912.

Sir: I have the honor to inform the Department that on the morning of the fifth instant there was a good deal of excitement in Quito on account of the proposal of the Government to change the commanding officers of certain of the battalions stationed in this city. During the afternoon it became evident that the Vice President, Dr. Carlos Freile Zaldumbide, had definitely decided to use the influence of the Government to oppose General Plaza. General Navarro, Minister of War, and Señor Intriago, Minister of Hacienda, who were supporters of General Plaza, resigned.

Having decided to support the candidacy of Dr. Tobar, the Government of Señor Freile Zaldumbide felt the need of strengthening its position with the Army. An agreement was reached by which General Julio Andrade consented to support the Government and oppose General Plaza.

Late in the afternoon General Andrade was appointed Minister of Public Instruction, and the tension became acute. It is stated that the Government had planned to seize the person of General Plaza that same night. To that end several hundred citizens were armed and held in readiness. In the evening the Vice President, accompanied by his Cabinet, went to the barracks of the police battalion, which they believed to be loyal. It happened, however, that the second in command of this battalion, the Subintendente of Police, was secretly supporting General Plaza. He informed the General of the proposed plot.

General Plaza immediately sent word to the troops on whom he could rely, and before the Government could carry out its intention his troops had seized the city.

This move took the Government entirely by surprise. Its supporters offered practically no resistance, and although shooting continued in the streets all night, most of it was in the air and there were very few casualties. General Andrade was shot and killed just as he was leaving the police barracks with the intention of rallying his men.

General Plaza arrested the Vice President and Cabinet. They were, however, released and escorted to their homes as soon as danger to their persons had ceased. The Government resigned immediately, and although General Plaza was practically dictator he preferred to go through the legal form of an election before actually assuming office. Therefore, following the letter of the Constitution, Señor Dr. Francisco Andrade Marin, President of the Chamber of Deputies and an ardent supporter of General Plaza, assumed the functions of the Executive ad interim, and reappointed General Navarro and Señor Intriago as Minister of War and Hacienda respectively.

The political situation is greatly simplified and the prospects for a prolonged period of peace are better than at any time since the overthrow of President Alfaro the eleventh of last August.

I have [etc.]

Rutherfurd Bingham.

File No. 822.002/18.]

No. 73.]

AMERICAN LEGATION,
Quito, March 15, 1912.

Sir: I have the honor to inform the Department that the newly appointed Cabinet of Dr. Francisco Andrade Marin, President of the Chamber of Deputies, in charge of the Executive Power, is as follows: Minister of Foreign Relations, Señor Antonio Arcos; Minister of War, General Juan Francisco Navarro; Minister of Hacienda, J. F. Intriago; Minister of the Interior, Dr. José Maria Ayora; Minister of Public Instruction, Dr. León B. Becerra.

I have [etc.]

RUTHERFURD BINGHAM.

File No. 822.002/16.]

The Chargé d'Affaires of Ecuador to the Acting Secretary of State.

LEGATION OF ECUADOR,
New York, March 15, 1912.

SIR: I have the honor to inform you that I have received last night a cable from my Government by which I have been advised that Dr. Carlos R. Tobar, Secretary of Foreign Relations, has resigned, in view that his candidacy for President of the Republic has been issued lately, and therefore Dr. Antonio Arcos has been appointed to this portfolio of which nomination I beg to inform the State Department.

Accept [etc.]

S. S. WITHER Y S.

File No. 822.00/292.]

The American Chargé d'Affairs to the Secretary of State.

No. 75.]

AMERICAN LEGATION,
Quito, March 18, 1912.

SIR: I have the honor to inform the Department that there is much uncertainty in the present political condition in Ecuador. The events of the last few months have removed all the Liberal leaders with the exception of General Plaza. In the ordinary course of events this gentleman would be elected as there is now no candidate opposing him for the presidency of the Republic. General Plaza has very many enemies in the Conservative party, who are opposed to him on account of his Liberal attitude in regard to the Church during his last administration, and in his own party those who are against him for personal reasons. Some even accuse him of being responsible for the death of General Julio Andrade. Many threats of personal violence to General Plaza have been made and, considering the lawless condition of the country, it is not impossible that some such attempt may be made.

Should General Plaza be killed, the condition of affairs would be most grave. There would surely be much violence between the different factions who, being unable to agree on a leader, would fight among themselves, and the Conservative or Clerical party would seize the opportunity to attack the Liberals. A state of affairs closely resembling anarchy would result.

As a proof that much anxiety is felt by all classes, I have the honor to inform the Department that several individuals have requested asylum in this Legation in case of further disturbance in Quito. To everyone who has asked for asylum I have replied that the Department of State deprecates the granting of asylum except where it is absolutely necessary from the point of view of humanity, to save life; that I could not discuss a hypothetical question of future danger but must decide each case on its merits as it arose; and I strongly urged the individuals in question to adopt every other means of securing their safety in case of trouble instead of coming to this Legation, as I desired to hold absolutely aloof from all internal questions.

I have [etc.]

RUTHERFURD BINGHAM.

File No. 822.00/280.]

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION, QUITO,
Washington, March 22, 1912.

SIR: I have the honor to enclose herewith a report, with enclosures, from Captain Constant Cordier, U. S. A., Military Attaché of this Legation. * * *

EVAN E. YOUNG.

[Inclosure.—Extract.]

The Military Attaché of the American Legation to the American Minister.

AMERICAN LEGATION; ON BOARD U. S. S. "MARYLAND,"
Santa Elena, Ecuador, February 11, 1192.

SIR: In compliance with your letter of instructions dated January 19, 1912,[1] and in accordance with the cablegram from the Honorable the Secretary of State, dated January 17, 5 p. m., I departed from Quito on January 20th, taking the first south bound train for Guayaqúil. [Here an account of several vexatious delays.] The train reached the Durán terminus at 9:40 p. m. [the 22d]. I had made arrangements by wire to use the railway tug, and was about to embark when General Plaza, then at Durán with some 2,000 Government troops, sent word that he desired to see me. I called at his quarters and met him and General Julio Andrade, his chief of staff. They were both most effusive in their greetings. After a few pleasantries General Plaza said that he hoped to have a talk with me on the following day. I then took the tug to the U. S. S. *Yorktown*, which was anchored in the Guayas river a little above the railway company's Guayaquil dock, going aboard at 10:30 p. m.

Lieutenant Edison Ernest Scranton, U. S. Navy, temporarily in command of the *Yorktown*, informed me of the state of affairs in Guayaquil and of the part taken by the ship in the local disturbances. Also of the attitude of the railway officials, of the wish expressed by the president of the railroad, Mr. E. H. Norton, for a landing party to protect property, and of the participation of our Consul General in the peace negotiations, then being carried on. We went over the entire situation and I explained to him your views and the action recommended, at the same time delivering your letter addressed to the "Commander United States Naval Forces in Ecuadorian Waters", copy of which is attached hereto, marked "B".[1] I found Lieutenant Scranton to be thoroughly familiar with and alive to the situation, and he cheerfully expressed a desire to carry out your wishes and instructions, and to confer and cooperate with me in all matters affecting the late political crisis. Lieutenant Scranton deserves a great deal of credit for the manner in which he comprehendingly met every emergency.

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[1] See sub-inclosure 1.

The part taken by the *Yorktown* between January 7 and 27, 1912, in the late revolution is shown in the letter of Lieutenant E. E. Scranton, U. S. Navy, hereto attached and marked "C",[2] and also in the reports of operations of Commander Bertolette and Lieutenant Scranton, copies of which are marked "D"[1] and "E".[1] * * *

On January 19 General Plaza sent a demand to General Montero to surrender. Identic notes were addressed to the Dean of the Consular Corps at Guayaquil and to General Montero, and were brought on board the *Yorktown* at about 7:00 p. m. by an aide-de-camp of General Plaza, together with a note from the latter to the Commander of the *Yorktown* requesting him to forward the demand for surrender. The letters were sent ashore that night to the American Consul General, who transmitted them to the respective addresses.

On the same day, at about 2:30 in the afternoon, a Peace Commission consisting of the American Consul General, the British Consul, and five citizens of Guayaquil, had gone to Durán with the object of continuing on to Yaguachi for a conference with General Plaza, but was obliged to return to Guayaquil at 4:30 p. m. without accomplishing anything. * * *

Upon the request of the American Consul General the *Yorktown's* launch was placed at the service of the self-appointed commission consisting of the American Consul General, the British Consul and other members, who made a trip from Guayaquil to Durán for the purpose of conferring with General Plaza, on January 20.

The terms proposed by General Plaza, practically an unconditional surrender, had been revised and amended by General Montero. These peace terms were changed by General Plaza, and the commission then returned with the papers to Guayaquil.

On January 21 the peace commission made a second trip to Durán in the *Yorktown's* launch, with peace overtures from General Montero. General Plaza made further changes in these proposals and handed the papers to the commission, which returned to Guayaquil. * * *

General Montero's local government was being weakened daily by the retirement of his more prominent political supporters. On January 18 three of his five cabinet ministers resigned their portfolios, and within two days following several of his military commanders resigned, including General Flavio Alfaro, as Commanding General. General Eloy Alfaro was then appointed (January 19) Director of War, which practically gave him command of the rebel army.

Realizing that the de jure Government was ultimately bound to triumph, and fully appreciating the necessity for our non-interference in the political disturbances of Ecuador at this moment, I requested Lieutenant Scranton not to land any armed men nor other party, either on the Durán side of the river or at Guayaquil, and informed him that I would assume all responsibility, as your aide and the Department's representative, for any failure to protect American interests or the Consulate, which could be clearly seen from the *Yorktown;* intending, in accordance with your instructions, if the necessity arose, to land with an officer and a few unarmed men and to request our Consul General to come on board the *Yorktown* with his office records should the bombardment or the setting on fire of the city be imminent. Provisions were also made for receiving on board the American residents, for the protection of life. Lieutenant Scranton most willingly made arrangements for carrying out these requests. * * *

The peace terms that had been attested by General Montero were signed by General Plaza and handed back to the peace commission, which returned to Guayaquil about mid-day [January 22]. According to agreement, the peace commission was to have met General Montero at about 2:00 o'clock that afternoon for the purpose of informing him that the peace terms had been signed by General Plaza. A copy of the peace terms bearing the signature of the two generals was also to have been handed to General Montero. The latter, however, did not appear, but sought a hiding place where he thought he would be safe from any possible mob violence which might follow his surrender.

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[1] See sub-inclosure 2.

[2] Not printed.

General Flavio E. Alfaro, who has been serving as generalissimo of the revolutionary forces in Guayaquil, learning of the disappearance of General Montero, gave the order to his troops to carry out the provisions of the peace terms. While the revolutionary soldiers were in the act of giving up their arms heavy firing commenced in the streets of Guayaquil. * * * Several shots passed over the *Yorktown*, which lay about 500 yards away, and through the isolation ward on board, one bullet-hole being found in the awning stretched over the poop-deck. * * * The firing then became desultory. * * * No foreigner was injured as far as can be ascertained.

A great crowd of about 5,000 people, with many flags and banners, then [January 23] surged through the streets, breaking up into smaller groups. Speeches were made, flags waved and cheers given for the Government and General Plaza.

An officer was sent ashore by Lieutenant Scranton to investigate conditions, and found nothing to warrant any action on the part of the ship.

At about 4.45 p. m. the Government forces began to arrive from Durán on small steamers and other river craft. * * * Generals Plaza and Andrade were on one of the first steamers that reached the Guayaquil side. Here they were met by large crowds of civilians, some with arms and some without, carrying flags and shouting for the Constitutional Government. A great parade was formed and the triumphal march through the streets commenced. * * *

Lieutenant Scranton and I then called upon General Plaza, who was in command of Guayaquil. The General met us as we entered the Governor's palace and ushered us into the large room used by him as headquarters. I expressed the Legation's good wishes and congratulated the General upon the restoration of peace. I asked him if he would be prepared fully to protect American interests in event of further disturbances. He assured both Lieutenant Scranton and myself that he was in a position to guarantee ample protection to all foreign interests, and that he would take every measure possible to protect American life and property in case of trouble, which he assured us was not likely to occur. I requested the General to see that American life and property was not menaced; to prevent any anti-American demonstration, if practicable, and to guard the Consulate, if necessary, against annoyances or attacks of any kind; which he said he would do with pleasure, adding that there should be no fear of any trouble for Americans. * * * He said that he was very much pleased to learn that no armed landing party had been sent ashore during the stay of the *Yorktown*, as the landing of armed men had not been necessary and might have caused some ill feeling on the part of the people.

General Plaza was informed that the *Yorktown* would be only too glad to salute the port and country, inasmuch as the constituted Government had regained control of Guayaquil; but owing to the illness of Commander Bertolette, then on board, it was thought advisable to postpone the firing of the salute for a few days. General Plaza readily assented to this and said that he sincerely hoped that the Commander would speedily recover. He spoke highly of the officers and men and of what he regarded as the perfectly proper noninterference on the part of the *Yorktown*, whose action had been entirely within the bounds of international propriety. * * *

The coming of the *Yorktown* and the presence of our warships in Ecuadorian waters have had the desired moral effect, have minimized the damage to the railroad property, increased the respect for the established rights of foreigners and, possibly, prevented high-handed treatment and abuse of American residents in Ecuador. * * *

The first death from yellow fever among the crew of the *Yorktown* occurred at 9.30 a. m. January 23, when seaman C. W. Wood died in the ward improvised by Doctor Parker in his office at the Consulate.

Commander Bertolette, whose condition became worse on January 23, died on board the *Yorktown* at 2.14 a. m. the following day, from yellow fever. His death, which was deeply regretted, threw a pall over every one on the ship. It was deplorable that an officer and an enlisted man had to succumb to such a dreadful disease for, apparently, no other reason than the questionable necessity of protecting a little property. Both were sacrificed in the strict line of duty.

* * * There were in all eight yellow fever patients, two deaths, and a number of suspected cases between January 17 and 26. Few really expected to escape, and a sigh of relief went up when orders were received, on January 25, for the *Yorktown* to proceed to Santa Elena Bay. * * *

Everything is now quiet along the coast, and I hardly look for political disturbances of any consequence. * * *

The collier *Prometheus* arrived at Santa Elena on January 30, and the armored cruiser *Maryland* on February 1, 1912.

I have transferred to the U. S. S. *Maryland*, the ship of the senior officer present, and will continue to carry out your instructions.

Very respectfully,

C. CORDIER.

[Subinclosure 1.]

The American Minister to the Military Attaché of the Legation.

AMERICAN LEGATION,
Quito, January 19, 1912.

MY DEAR CAPTAIN: In accordance with telegraphic instructions from the Honorable the Secretary of State, extract of which is inserted herein, you will proceed, as soon as possible, to Guayaquil, Ecuador, where, upon arrival, you will embark on board the U. S. S. *Yorktown*, and carry out the following:

Extract from cablegram from the Department of State, of January 17, 1912—

> Commander Bertolette has yellow fever. At the suggestion of Navy Department, War Department having already concurred, you will instruct Captain Cordier to proceed at once to Guayaquil to confer and cooperate with C. O. *Yorktown*.
>
> KNOX.

In addition to the foregoing you are requested to carry out my verbal instructions of this date, which fully empower you to represent this Legation in all matters while on this mission.

Should other U. S. Government vessels enter Ecuadorian waters you may transfer aboard, if in your judgment it is deemed advisable or necessary; meanwhile I would suggest your remaining on board the *Yorktown*.

Wishing you every success on your important and trying mission, I remain,

Very cordially, yours,

EVAN E. YOUNG.

[Subinclosure 2.]

The American Minister to the Commander of the United States Naval Forces in Ecuadorian waters.

AMERICAN LEGATION,
Quito, January 19, 1912.

SIR: I have the honor to inform you that Captain Constant Cordier, U. S. Army, Military Attaché to this Legation, has been ordered to Guayaquil on instructions from the Honorable the Secretary of State.

Captain Cordier is fully empowered to represent this Legation in all matters; and, as my aide, to represent me officially and personally. You are, therefore, requested to give full credence to any representation made by Captain Cordier, and to aid and assist him in every way possible, as the representative of this Legation.

I have [etc.]

EVAN E. YOUNG.

File No. 822.00/299.]

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 80.]

AMERICAN LEGATION,
Quito, April 8, 1912.

SIR: I have the honor to report that the elections, which took place March 28 to 31 inclusive, resulted in the election as President of the

Republic of General Leonidas Plaza Gutiérrez. The figures published by the newspapers give 47,500 votes for General Plaza to less than 500 scattering for other candidates.

I have [etc.]

Rutherfurd Bingham.

File No. 822.00/292.]

The Acting Secretary of State to the American Chargé d'Affaires.

No. 44.]

Department of State,
Washington, May 6, 1912.

Sir: The Department has received your No. 75, of March 18, 1912, in regard to the disturbed political conditions existing in Ecuador, in which you report that several persons have requested asylum in the Legation in case of further trouble in Quito, and give the substance of your replies to those who have asked for asylum, in which you advised them to use other means of securing their safety preferably to coming to the Legation.

The Department approves your action, but in this connection desires to refer you to its No. 38, of January 30, 1912, in which the distinction between asylum and temporary refuge is discussed.

I am [etc.]

Rutherfurd Bingham.

File No. 822.032/9.]

The American Chargé d'Affaires to the Secretary of State.

No. 130.]

American Legation,
Quinto, August 12, 1912.

Sir: I have the honor to report that on Saturday, August 10, the Ecuadorian Congress assembled in regular session for the year 1912. Dr. Alfredo Baquerizo Moreno was elected President of the Senate and according to the Constitution will be acting President until September first, 1912, when General Plaza will assume the office.

I have [etc.]

Rutherford Bingham.

File No. 822.001 P69/1.]

No. 136.]

September 4, 1912.

Sir: I have the honor to report that on the afternoon of August 31, General Leonidas Plaza Gutiérrez was inaugurated as President of the Republic of Ecuador for the next constitutional period 1912 to 1916.

The ceremony of the inauguration took place in the National Palace, in the presence of both Houses of Congress, the Diplomatic Corps and numerous spectators.

The day of the inauguration passed quietly, without any disturbances whatsoever.

I have [etc.]

Rutherfurd Bingham.

File No. 822.001 P69/3.]

The Chargé d'Affaires of Ecuador to the Secretary of State.

No. 197.]
LEGATION OF ECUADOR,
New York, December 4, 1912.

SIR: I have the honor of handing to you the "Letras Autógrafas" of Gen. Leonidas Plaza G., President of Ecuador, addressed to His Excellency William H. Taft, President of the United States of America, informing him upon his inauguration as Constitutional President of Ecuador, on the 30th of August of the present year.

I avail [etc.]

S. S. WITHER Y S.

[Inclosure.—Translation.]

The President of Ecuador to the President.

NATIONAL PALACE,
Quito, September 20, 1912.

GREAT AND GOOD FRIEND: I have the honor to inform Your Excellency that, elected by my fellow-citizens to the Presidency of the Republic, I assumed charge of this high office on August 31 of the current year, after having taken the constitutional oath on the same day before the Congress.

Upon informing Your Excellency thereof I beg to say that in the exercise of my functions I shall take especial care to draw even closer than ever, if that be possible, the bonds of friendship that happily unite our respective countries.

I earnestly desire for your noble Nation increasing prosperity, and offer my best wishes for Your Excellency's personal welfare.

I have the honor to be Your Excellency's
Good and True Friend,

LEONIDAS PLAZA G.

File No. 822.001 P69/3.]

The Secretary of State to the Chargé d'Affaires of Ecuador.

No. 11.]
DEPARTMENT OF STATE,
Washington, December 12, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant with which you enclose a letter addressed to the President by His Excellency General Leonidas Plaza G., President of Ecuador, announcing his inauguration as Constitutional President of that Republic on August 30th[1] last.

I have the honor to say in reply that His Excellency's letter has been laid before the President and that his reply will shortly be delivered through the American Legation at Quito.

Accept [etc.]

P. C. KNOX.

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[1] Should be 31st.

CLAIMS OF THE GUAYAQUIL & QUITO RAILWAY COMPANY AGAINST ECUADOR—ATTITUDE OF THE UNITED STATES—PROPOSAL OF ECUADOR TO ARBITRATE.

File No. 422.11 G93/428.]

The Acting Secretary of State to the American Legation.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 19, 1912.

Report what steps Ecuadorian Government has taken to fulfill its obligations toward the Guayaquil & Quito Railway Company.

Wilson.

File No. 422.11 G93/430.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Guayaquil, February 21, 1912.

The Ecuadorian Government has made no effort to fulfill its obligations to the American railway company since the revolution.

Bingham.

File No. 422.11 G93/452.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 17, 1912.

Messrs. Norton and Farr, officials of the railroad, in conference at the Department today, emphasize critical financial situation of the company which imperatively demands immediate relief.

A coal ship, it appears, has been ordered for the 25th instant, and unless 100,000 sucres are forthcoming within a week the order must be canceled and railroad operations suspended as soon as present Ecuador supply of coal is exhausted.

Since the Government of Ecuador is directly responsible for the railroad's present financial crisis, having failed to meet its just financial obligations to the railway, and as the railway has no other source of financial relief, you will immediately bring the foregoing to the attention of the competent officials of the Government of Ecuador, and say that you have been instructed to request a statement without delay as to what immediate action that Government is prepared to take.

Wilson.

File No. 422.11 G93/454.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Quito, April 21, 1912.

General Plaza believes the railway's revolution bills are an imposition even if technically correct, but says that if their adjustment is made on a basis of average earnings of last six months of last year, plus fifty per cent, plus 65,000 sucres damages, he will use his utmost efforts to induce the Government to pay 100,000 sucres before April 25, and 50,000 more during May, and to approve all other accounts passed by Minister of Interior.

Bingham.

File No. 422.11 G93/455.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 23, 1912.

Railway official statement shows there is now due railway company from the Government of Ecuador, on bills heretofore approved by the competent authorities of that Government, approximately 375,000 sucres, exclusive of approved bills of the company for services rendered and damages sustained during the recent revolution. As General Plaza apparently acknowledges that revolutionary bills are technically correct, the Department does not understand why payment of the 100,000 sucres so urgently needed should be made conditional upon compromise of bills of revolutionary period.

The railway officials are very anxious to work in harmony with the Government of Ecuador, and the Department believes they would be inclined to consider favorably an arrangement, if immediately accepted, on the following basis:

> The Government of Ecuador, having paid 100,000 sucres, to pay hereafter 50,000 sucres monthly in addition to its current account until such time as the Government of Ecuador shall have been placed by virtue of a loan in a position to extinguish all its indebtedness to the railway company; or, in the event of the loan not being negotiated, until such time as the total indebtedness of the Government to the railway company shall have been extinguished; and unqualifiedly to approve and accept all other accounts previously passed by the Director of Public Works; and to pay interest at the rate of six per cent on the unpaid balance of the railway accounts until such accounts shall have been fully discharged. The railway company on its part, on consideration of strict compliance with the foregoing, to adjust revolutionary bills on basis of average earnings last six months of last year, plus 50 per cent, plus 65,000 sucres damages.

Communicate the foregoing to the Government of Ecuador and press for immediate payment of 100,000 sucres, pointing out that, exclusive of revolutionary bills, more than three times this amount is due.

Knox.

File No. 422.11 G93/457.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, April 25, 1912.

General Plaza states that the Government has 50,000 sucres cash on account of coal ship, and offers draft at 90 days sight to cover the other 50,000, which can be negotiated in Ecuador with discount of not more than 5 per cent. He now says payment of additional 50,000 sucres in May is impossible.

Arbitration of all bills prior to December 28, 1911, including all interest questions, is demanded by the Government.

Plaza also states that 100,000 shall be applied to revolutionary bills as compromised. He added that the utmost the Government can pay monthly until December is 10,000 sucres, to be applied to cancel the same account.

BINGHAM.

File No. 422.11 G93/458.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 3, 1912.

The greatest concessions that the railway company can make are embodied in Department's telegram of April 23. General Plaza's reply, which the Department must assume to represent the Government of Ecuador correctly, has been communicated to the railway officials here, who inform the Department that they are unable to accept the proposal as transmitted in your April 25. This proposal appears to be entirely at variance with General Plaza's previous statement, communicated in your April 21, which was essentially accepted by the railway company. The Government of the United States is therefore constrained to believe that a due regard for good faith in business dealings requires the Government of Ecuador immediately to meet its just obligations to the Guayaquil & Quito Railway Company.

The Government of the United States is compelled to inform the Government of Ecuador that, in view of the long-continued and fruitless efforts that have been made to secure for this American company due consideration, it cannot permit the destruction of this important and legitimate American enterprise, and that its duty to its citizens and their property requires that it secure for the railway company the full and adequate enjoyment of all its just rights and privileges.

The Government of the United States, in thus clearly making known its self-evident duty regarding the treatment of this American company, is mindful of the long-standing friendly relations which have existed between the two countries and would view with deep regret the continued failure on the part of the Government of Ecuador to provide the funds which it is apparent it has at its command, thus leaving to this Government no alternative but to take, on its own part, such action as to it may seem appropriate in order to assure this company that complete and ample protection to which it is so clearly entitled.

You will communicate this telegram textually to the Government of Ecuador, leave a copy with the Minister for Foreign Affairs, and request an immediate reply.

HUNTINGTON WILSON.

File No. 422.11 G93/459.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 4, 1912.

The Government of Ecuador now has 86,000 sucres toward payment of coal ship, and the other 14,000 can be obtained in about one month from the New York Consulate.

The Minister for Foreign Affairs says that his Government is so fully convinced of the rights and justice of its claims in the railway dispute that it stands ready to submit all questions to arbitration, and desires a full and impartial investigation of pending claims.

It cannot be denied that the Government of Ecuador has many just grounds for complaint against the railway which should be submitted to arbitration. I am convinced that Ecuador is sincerely desirous of meeting its financial obligations toward the railway.

BINGHAM.

File No. 422.11 G93/461.]

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 5, 1912.

General Plaza stated this morning that the mortgages would not be paid unless the railway compromised the revolutionary bills, average last six months last year plus fifty per cent, plus 65,000 sucres damages; questions relating to interest, and approval of bills previously passed by Minister of Interior, to be referred to arbitration.

BINGHAM.

File No. 422.11 G93/483.]

[Extract.]

AMERICAN LEGATION,
No. 94.] *Quito, Ecuador, May 7, 1912.*

SIR: I have the honor to inform the Department that its telegraphic instruction of April 23 was transmitted to the Ecuadorean Foreign Office by this Legation in its note No. 60, dated April 25, 1912, copy of which is enclosed herewith.

No reply had been received from the Ecuadorean Foreign Office to the representations of this Legation in regard to the payment of 100,000 sucres to the Guayaquil and Quito Railroad Company, when the Department's instruction of May 3 was received.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

No. 60.]

AMERICAN LEGATION,
Quito, April 25, 1912.

MR. MINISTER: I have the honor to inform your excellency, that statements submitted by officials of the Guayaquil and Quito Railroad Co. to the Department of State in Washington show that there is now due and owing to the railroad company by the Government of Ecuador on bills heretofore approved by appropriate Ecuadorean officials, about 375,000 sucres, entirely exclusive of approved bills of the company for services rendered and damages sustained during the recent revolution.

In order, however, to facilitate an arrangement, I am informed that the railroad officials, who are extremely anxious to work in the most harmonious relations with the Government of Ecuador, would be inclined to consider favorably a compromise, if immediately accepted, on the following bases:

"The Government of Ecuador after having paid one hundred thousand sucres (S/.100,000), to pay hereafter fifty thousand sucres (S/.50,000) monthly, in addition to its current account until such time as the Government of Ecuador shall have been placed by virtue of a loan in a position to extinguish all its indebtedness to the railroad company, or in the event of the loan not being negotiated, until such time as the total indebtedness of the Government to the railroad company shall have been extinguished; and to unqualifiedly approve and accept all other accounts previously passed by the Director of Public Works, and to pay interest at the rate of six per cent (6%) on the unpaid balance of the railroad accounts until such accounts shall have been fully discharged.

"The railway company on its part, in consideration of the strict compliance with the foregoing, agrees to adjust the revolutionary bills on a basis of average earnings last six months last year plus fifty per cent (50%) plus sixty-five thousand sucres (S/.65,000) damages."

I desire once again, to invite the attention of your excellency to the critical financial condition that at present confronts the railroad and to urge that your excellency's Government make immediate payment of the one hundred thousand sucres (S/.100,000) for the coal ship. Your excellency will note that more than three times this amount is owed by the Government of Ecuador to the railway company exclusive of the revolutionary bills.

I avail [etc.]

RUTHERFURD BINGHAM.

File No. 422.11 G93/466A.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 11, 1912.

The Chargé d'Affaires of Ecuador, Mr. Wither, yesterday handed to the Department telegraphic instructions received by the Legation from the Minister for Foreign Affairs of Ecuador. The instructions are as follows:

> Intervention rejected by the Chancellery. In proof of conciliatory spirit, the Government is ready to pay 100,000 sucres if a legal representative of the railway with full powers previously fixes the amount of the claim. The contracts speak of arbitration; never of intervention. Necessary to make formal protest. Ecuador claims what is owing to her.

The Department's telegram of May 3 makes the position of this Government sufficiently clear, and the Chargé d'Affaires was so informed.

You will emphasize the foregoing to the Ecuadorian Government and state forcefully that the matter will admit of no further delay, and that discussion of opposing claims against American company can be considered only at the proper time and after payment by Ecuador of the 100,000 sucres, which is only a small portion of the amount, regarding which there can be no dispute, owed to the railway company by the Government of Ecuador.

WILSON.

File No. 422.11 G93/471.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May, 14, 1912.

The Ecuadorian Government, in a note received today from the Foreign Office, offers to pay a lump sum of 280,000 sucres to cancel revolutionary bills: 86,000 cash; 14,000 draft at 90 on the Consul General, New York; and 50,000 monthly until extinguished; deducting therefrom value of combustibles supplied by the Government, and items objected to in account for damages. If railway company refuses, Government of Ecuador reserves right to appeal to arbitration. Also insists on review of the bills previous to revolution.

Ecuador offers to pay 100,000 sucres without further delay and refer to arbitration all points under discussion.

BINGHAM.

File No. 422.11 G93/471A.]

The Acting Secretary of State to the American Legation.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 15, 1912.

The Department is sending to the Ecuadorian Legation here a memorandum[1] concerning the present indebtedness of the Government of Ecuador to the Guayaquil & Quito Railway Company, suggesting that the amounts be telegraphed at once to the Government of Ecuador in order that the 100,000 dollars [sic] which that Government states it has on hand for the purpose may be immediately paid, obviating any further delay, which can only aggravate the present most unfortunate situation.

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[1] Not printed.

WILSON.

File No. 422.11 G93/471.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 16, 1912.

Telegraph at once translation of essential portion of note from Foreign Office referred to in your May 14.

WILSON.

File No. 422.11 G93/476.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 18, 1912.

Essential portions of note referred to in your May 16, my May 14:

I had the honor of pointing out to you, in my note No. 275 of the 6th instant (1), that the official intervention of your Government in these affairs seemed to me in every sense unnecessary, since, in the extreme case of not being able to arrive at a friendly settlement between the parties, there remained the arbitration stipulated in the contracts as an unavoidable and sure means of ending the controversy. Then I added that out of special deference to the Chargé d'Affaires of the United States, my Government felt bound to set to work to procure the means of giving to the company the help requested, while denying in principle, the strict obligation to do so.

Consistently with that idea I declare to you, respecting the definite settlement of the company's claim, that the documents it has submitted as the basis for its claim to the payment of *evidently excessive amounts* for services rendered and damages sustained during the late revolution, have not yet been accepted by my Government, and much less has the latter recognized a debt to the company of nearly 375,900 sucres in promissory notes viséed by employees of my Government having authorization therefor.

The examination of the aforesaid documents belongs solely to the Minister of Public Works, in whose Department the following obstacles have been encountered: that the company claims the indisputable approval and acceptance of all the accounts presented in previous years by the Director of Public Works; and that *among the employees mentioned, there is not one in Quito who has the Company's authority* to accept, in private conferences and in a definite manner, the just observations which there is room to make respecting the whole of the account, the extent of which in itself calls for serious examination.

With the earnest desire to end the whole controversy by means of a private agreement with the Company, and in order to avoid the presentation of fresh difficulties when the time comes to carry out the determined conditions of a later liquidation, my Government resolves today to offer officially to the Company the sum of 280,000 sucres for services rendered and damages sustained by the railway during the late revolution, as the net balance, and after deducting the value of the combustibles supplied by the Government and the amount of the items justly objected to in the account for the damages caused to the railway.

There are included in this amount of 280,000 sucres the equitable average of the receipts of the railway during a period of time immediately preceding the revolution, the 50% and the value of the damages. If the company accepts the offer, it may draw immediately for 86,000 sucres and receive a draft at ninety days sight for 14,000 sucres, the balance of the 280,000 sucres to be paid at the rate of 50,000 sucres monthly, until the total amount is cancelled. But if the company does not accept the proposal, my Government reserves the right to await the result of the arbitration respecting each and all of the company's charges and their total, that is to say: respecting the whole sum of 375,900 sucres which according to your statements the Company claims.

Notwithstanding this, and with the aforesaid reservation, my Government, with a view to make good the offer contained in my note of the 6th instant, will give to the company the 100,000 sucres, as the aid requested by it, and in the form above stated.

With reference to the previous bills, the greater part of which belong to the administration of President General Eloy Alfaro, which are at present deferred and which the company claims should be accepted in an *indisputable* manner, my Government, for that very reason, has resolved to examine them carefully, after which, in a short while, the company will be advised of the result; I, meanwhile, am bound to declare to you today that said accounts are not lacking in really incorrect items.

BINGHAM.

File No. 422.11 G93/476.]

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 22, 1912.

Inform the Government of Ecuador that the offer contained in the note of the Foreign Office to compromise revolutionary bills and claims for 280,000 sucres is entirely unacceptable and must be rejected.

You will thereupon refer to the alternative proposal of immediate payment of 100,000 sucres, with subsequent arbitration of all outstanding claims and questions between the railway company and the Government of Ecuador, and formally transmit the acceptance by the railway company of this proposal.

You will then make it clear that this Government awaits your report of the immediate payment of the 100,000 sucres in the form stated in the note of the Foreign Office, and add that the railway company desires to proceed immediately to the constitution of an arbitral tribunal.

KNOX.

File No. 422.11 G93/477.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 24, 1912.

The Government of Ecuador has made a formal request for the appointment by the United States of an arbitrator.

BINGHAM.

File No. 422.11 G93/477.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 27, 1912.

Has payment of the 100,000 sucres been made to the railway company?

WILSON.

File No. 422.11 G93/480.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 29, 1912.

Railway company controller now has draft of Minister of Hacienda for 57,230 sucres. The Minister has instructed Amsinck to pay railway company through Consul General, New York, 28,770 sucres. Controller has draft on said Consul General 14,000 sucres. Total, 100,000.

BINGHAM.

File No. 422.11 G93/539a.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 23, 1912.

You will inform the Government of Ecuador that the President is now prepared, as requested, to designate an arbitrator, and that this Government desires to know whether Ecuador has named its arbitrator; and whether action has been taken by Ecuador as to protocol relative to jurisdiction of the tribunal, and as to other pertinent matters submitted by the railway company to Ecuador some time ago, as the Department understands.

WILSON.

File No. 422.11 G93/543.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, October 28, 1912.

The Foreign Office formally states that arbitrator will be appointed as soon as the name of the American arbitrator is made known. The railway protocol will be submitted to the tribunal.

BINGHAM.

File No. 422.11 G93/543.]

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 9, 1912.

It appears from your October 28 and other correspondence[1] that Ecuador's expression of purpose to submit the railway protocol to the discussion of the tribunal shows an intention to provoke a reconsideration of matters already the subject of arbitral decision. You will textually communicate the following to the Government of Ecuador, also stating that the President will in the course of a few days appoint his representative on the tribunal:

> Matters involving the existence and validity of fundamental contractual agreements between the railway company and the Government of Ecuador cannot now be regarded by the Government of the United States as open for discussion. In a former controversy between the Government of Ecuador and the company these matters were discussed and were at that time passed upon and fixed by the arbitral tribunal of 1907–08 in an act equivalent to an arbitral award. Until the present time that act has not been questioned by the Government of Ecuador, but on the contrary has been fully recognized. Therefore the said matters must now be regarded as res judicata and not proper subjects for further controversy. Thus the matters of present dispute have solely to do with transactions between the Government and the railway since September 30, 1908, and the Government of Ecuador will perceive that the proposed arbitration can relate only to such transactions, and that the status as to the fundamental agreement must be accepted as the fundamental basis upon which to ground the determination of the controversy.

WILSON.

File No. 422.11 G93/545a.]

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 14, 1912.

You will textually communicate the following to the Government of Ecuador, and express the hope that the arbitrator representing that Government will be named without delay:

> In accordance with Article 27 of the contract of June 14, 1897, and in accordance with the formal request of the Government of Ecuador, the President of the United States, on November 11, 1912, designated Henry L. Janes, of the Diplomatic Service of the United States, as Arbitrator on the arbitral tribunal to be established for the settlement of the differences arising between the Government of Ecuador and the Guayaquil & Quito Railway Company since the date of the last arbitration in 1908.

KNOX.

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[1] Not printed.

File No. 422.11 G93/556.]

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, December 18, 1912.

The President of the Senate, Doctor Alfredo Baquerizo Moreno, has been appointed to represent Ecuador on the arbitral tribunal.

BINGHAM.

SANITATION OF GUAYAQUIL; PROPOSAL BY ECUADOR OF A CONVENTION WITH THE UNITED STATES; VISIT TO GUAYAQUIL OF A UNITED STATES INSPECTION COMMISSION.

File No. 822.124/189.

The American Chargé d'Affaires to the Secretary of State.

No. 56.]

AMERICAN LEGATION,
Quito, February 6, 1912.

SIR: The first occasion on which the present Government of Ecuador seriously discussed the sanitation of Guayaquil with this Legation, was about two weeks ago when I had been to see the Minister for Foreign Affairs about another matter.

At this interview Dr. Tobar complained very strongly about the action of the Pacific Steam Navigation Company, an English line, in transporting revolutionary soldiers from Esmeraldas and Manabí to Guayaquil during the recent revolution. He went on to say that he desired very much to see an American line of steamers between Guayaquil and Panamá, and that the Ecuadorian Government would assist in every way possible the establishment of such a line.

I replied that I was much interested in his excellency's idea, and that possibly after the opening of the Panamá Canal, some arrangement could be made by which American steamships would extend their voyages down the west coast of South America, but I pointed out that one great objection to the establishment of an American steamship line between Panamá and Guayaquil was the extremely unsanitary condition of the latter city.

Another factor which has impressed the present Government with the necessity of taking some action in regard to sanitating Guayaquil, has been the large number of deaths in the Constitutional Army from yellow fever during the recent campaign.

The Coignet project for the construction of permanent public works having been approved by the Ecuadorian Congress, I suggested to Dr. Tobar that in order not [to] conflict with this contract a great deal could be done toward the sanitation of Guayaquil by the enforcement of suitable sanitary regulations in that city, and that Colonel Gorgas was the logical man to take charge of this work.

The result of these conversations was the receipt of note No. 167 dated February 5, 1912, from the Ecuadorian Foreign Office, copy and translation of which is enclosed herewith. From this note I prepared a memorandum which Dr. Tobar signed, the original of which is enclosed for the information of the Department.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 167.] MINISTRY FOR FOREIGN RELATIONS,
Quito, February 5, 1912.

MR. MINISTER: The bad sanitary state of Guayaquil, made the more noticeable by the inroads of yellow fever among the troops from the interior, crowded together on account of the recent unfortunate civil war, has forced upon the attention of the Government the imperative necessity of sanitating the principal port of the Republic. The above-mentioned "fever of the Antilles" has disappeared now even from the Antilles, thanks to the scientific methods used by American doctors and engineers, who discovered and destroyed the stegomya fasciata, the vehicle of transmission of the terrible disease; eliminated from Rio Janeiro, Panamá and other places previously the victims of this deadly disease, to-day our beautiful port alone continues to suffer.

In confidential conferences with your excellency and with the Secretary of Legation, we have talked about the manner in which it would be possible to save Guayaquil from the scourge, and to put into practice the ideas exchanged between us, I request your excellency to obtain from your illustrious Government instructions to negotiate a convention with the Government of Ecuador in order to assure the above-mentioned patriotic and philanthropic end to the highest degree. I also request your excellency, in order to gain time, to cable this to the illustrious Chief of your Chancellery.

I renew [etc.]

C. R. TOBAR.

[Inclosure 2.]

Memorandum of the Minister for Foreign Affairs.

Referring to my note No. 167. The Government of Ecuador desires to negotiate a convention giving the U. S. the right to make whatever municipal and sanitary regulations may be necessary for stamping out yellow fever and bubonic plague in the port of Guayaquil. It is understood that this convention does not refer to and does not consider any permanent public works, the construction of which may be postponed to a later date and provided for in a manner most agreeable to the Government of Ecuador.

QUITO, *February 5, 1912.*

C. R. TOBAR.

File No. 822.124/190.

The American Chargé d'Affaires to the Secretary of State.

AMERICAN LEGATION,
No. 57.] *Quito, February 10, 1912.*

SIR: Referring to my despatch No. 56 dated February 6, 1912, I have the honor to enclose herewith copy of note No. 174 from the Ecuadorian Foreign Office, dated February 8, 1912, together with translation, transmitting to this Legation a memorandum, copies and translation enclosed, of proposed bases for a convention or protocol for the sanitation of Guayaquil.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 174.] MINISTRY FOR FOREIGN RELATIONS,
Quito, February 8, 1912.

EXCELLENCY: In accordance with the understanding in the conferences which I have held with your excellency touching the necessity of procuring as soon as possible the sanitation of the city of Guayaquil in respect to the yellow fever and the bubonic plague, it gives me pleasure to send to your excellency the bases for a convention between my Government and that which your excellency so worthily represents, in order to satisfactorily arrange for this pressing necessity.

I renew [etc.]

C. R. TOBAR.

[Subinclosure.—Translation.]

Proposed bases for a convention or protocol for the sanitation of Guayaquil.

The Governments of Ecuador and of the United States of America, animated by the desire that there be extinguished as soon as possible in the city of Guayaquil the two principal diseases that at present make that place dangerous, isolating it in a certain manner from universal commerce and preventing the flow to it of immigrants and travelers to increase its wealth, have agreed to celebrate a treaty, for which purpose they have named their plenipotentiaries, to wit: H. E. the President of the Senate, in charge of the Executive Power of Ecuador, Doctor Carlos R. Tobar, Minister of Foreign Relations; and H. E. the President of the United States of North America, Mr. ------------------------------; who, after having exchanged their respective full powers which were found to be in proper form, have agreed to the following articles:

ARTICLE 1. The Government of the United States of North America agrees to take charge of all the works looking to the extinction in the city of Guayaquil of the two diseases *yellow fever and bubonic plague*, under the direction of Colonel William C. Gorgas, with which object the Ecuadorian Government authorizes it:

(a) To bring to Ecuador a corps of doctors, assistants, foremen of gangs, etc., who will take charge of all cases, without exception, of yellow fever and bubonic plague, of the prophylaxis, and of everything concerning the extinction of said diseases;

(b) To formulate, with reference to the two mentioned diseases, the regulations and ordinances concerning sanitation that must be obeyed by the inhabitants of Guayaquil and even by the authorities; which regulations and ordinances will be approved by the Executive Power of Ecuador;

(c) To exact proper compliance with the mentioned regulations and ordinances; and

(d) To construct two hospitals, one destined for cases of yellow fever and the other for bubonic plague; and to make the other expenditures necessary, as disinfectants, drugs, instruments, wire netting, tools, fixtures, materials, etc., appropriate for combating the diseases referred to.

In case of the disability of Colonel Gorgas, the Government of the United States will designate an equally competent person to replace him.

ARTICLE 2. The period of time that the Government of the United States shall have for the sanitation of Guayaquil within the terms of the previous article is three years.

ARTICLE 3. For the expenditures that the before mentioned works and constructions demand, the Government of Ecuador will put at the disposal of that of the United States the sum of five hundred thousand dollars; three hundred thousand dollars the first year and one hundred thousand dollars each of the two following years.

ARTICLE 4. This convention does not include the execution of any work concerning the increase of the water supply, the sewerage or the paving of the city of Guayaquil, but, as has been expressed in the previous articles, the extinction of yellow fever and the bubonic plague. The sanitation of the city with reference to other diseases that are not those mentioned will remain in charge of the Government of Ecuador.

Article 5. The present treaty will be ratified by the Governments of the two contracting powers in the form that their respective laws provide, and the exchange of ratifications will be effected in Quito or in Washington within the shortest possible time.

File No. 822.124/188.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

Department of State,
Washington, March 13, 1912.

Send a copy of the draft convention to Dr. Parker at Guayaquil, adding that at the request of Surgeon General Blue a telegraphic report should be sent of the main conclusions of the examination, to be followed by full mail report as soon as possible, to the Bureau of Public Health and Marine Hospital Service.

Wilson.

File No. 822.124/191.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Quito, March 23, 1912.

Dr. Parker arrived Quito March 20 and reports as follows:

> The essential measure for sanitation of Guayaquil include:
>
> Six million gallons of water supply daily from a source sixty miles distant; destruction of storage tanks in dwellings.
>
> Changes of construction of houses now building.
>
> Driving out rats with light, air and cement.
>
> Installation of drainage and sewerage systems.
>
> Present water supply diverted to the infected towns of Durán, Milagro, Yaguachi, Bucay, and Naranjito. Independent treatment of Babahoyo.
>
> Surveys, plans and specifications for the complete work to be made at once, accompanied by immediate campaign against the mosquito carrying the yellow fever, which can be financed out of the present monthly allowance of 20,000 sucres.
>
> Control of sanitary police, with power to enforce the present sanitary laws through the local authorities.
>
> Discontinuance of Coignet contract, which is inadequate.
>
> Parker.

The Coignet contract will expire on April 6 next.

Bingham.

File 822.124/194.

[Extract.]

No. 77.]

American Legation,
Quito, March 23, 1912.

Sir: I have the honor, referring to the Department's telegram of March 12 [13], to report that Dr. Parker did not reach Quito until the morning of March 20. I immediately showed Dr. Parker the papers relating to the proposed convention for the sanitation of Guayaquil. His report was embodied in my telegram March 23.

General Plaza received Dr. Parker most cordially. They discussed the question of sanitation in all its phases and Dr. Parker gave the General a complete idea of what was necessary for the effective sanitation of Guayaquil.

General Plaza expressed himself most favorably toward the sanitation and sent his aide de camp, Captain Torres, to the Acting President, Dr. Andrade Marín, to request him to receive Dr. Parker and to take up seriously the matter of sanitation. Dr. Parker saw the Acting President immediately after leaving General Plaza. After a brief discussion, the Acting President requested Dr. Parker to prepare a memorandum, stating that he desired to take this up with him in the presence of the Cabinet Ministers.

In consultation therefore with Dr. Parker I prepared the enclosed memorandum, the contents of which I discussed with the Minister for Foreign Relations before meeting the Acting President and his Cabinet for the conference above referred to. The Minister for Foreign Affairs, Dr. Arcos, expressed himself as pleased with the contents of the memorandum.

In this connection I may state that I am reliably informed that the Coignet contract was to expire by February 6, 1912; the contract however contained a clause increasing the time during which it was to be effective by the time revolutions were in progress, plus one month. Assuming that the Alfaro revolution lasted one month, the Coignet contract should expire April 6, 1912. The Ecuadorian Government further has the option of granting Coignet more time, to secure the money needed, up to June 30, 1912.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Acting President of Ecuador.

[Memorandum.]

AMERICAN LEGATION,
Quito, March 23, 1912.

In view of the existence of the epidemic diseases yellow fever and plague in the City of Guayaquil and vicinity, with the consequent great loss of life and damage to the commerce of the whole Republic of Ecuador, as well as foreign countries, particularly to the Panama Canal Zone, through which most of the commerce of Ecuador passes, and in view of the fact that the Panama Canal will shortly be completed and Guayaquil placed in direct communication with the princpal ports of commerce of the world, it is essential that Guayaquil be free from the above mentioned epidemic diseases in order that the Republic of Ecuador may enjoy the privileges of commerce, unobstructed by quarantine, with the outside world.

On account of the present quarantines against Ecuador the Republic suffers an annual loss not accurately determined but certainly more than 1,000,000.00 sucres, a sum more than sufficient to pay the interest on the capital required for the necessary sanitation of the city, while the loss of life due to these diseases approaches 1000 annually, the great majority of whom are natives of the Republic.

It must be clearly understood that the Government of the United States has no interest in any individual or corporation by whom the sanitary work may be performed, its only interest being to insure the work being carried out in an efficient manner. In this connection it may be well to state that private contractors have never devised or carried out any great sanitary work without direct Government supervision, and there is no reason to believe that Guayaquil will prove an exception.

As the plans for the sanitation of Guayaquil must include in addition to the sanitary police and municipal regulations already discussed with the Government of Ecuador, the construction of certain public improvements, such as water supply, sewage disposal and drainage, it is suggested that the terms of the convention submitted by the Government of Ecuador to this Legation be enlarged to include the appointment of a commission, the personnel of which shall be agreed upon by the two Governments. This commission shall formulate a complete set of plans for the execution of the proposed sanitary work. The permanent public improvements shall be by contract, the terms of which shall be approved by the Government of Ecuador and by the commission, the work to be performed to the satisfaction of the commission, which will appoint inspectors to see that it conforms to specifications.

It is necessary that a preliminary survey by competent engineers be made before any complete set of plans can be devised. For physical reasons this survey must be conducted during the dry season, and in order to prevent the delay of a whole year this preliminary survey should be commenced not later than the first of June, 1912.

At present the Government of Ecuador appropriates a monthly sum for the eradication of yellow fever and plague. In order that this work may not be interfered with, it would be advisable that while the preliminary survey is in progress, this sum be placed at the disposal of the commission for the continuance of this work under its direction; that upon the eradication of yellow fever, quarantine against that disease be removed and ships permitted to anchor in front of the city for the purpose of discharging and loading cargoes, instead of two miles below the city as at present time.

File No. 822.124/201.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 97.] AMERICAN LEGATION,
Quito, May 14, 1912.

SIR: I have the honor, referring to my despatch No. 77 of March 23, 1912, to report that on April 6 the enclosed memorandum in regard to the sanitation of Guayaquil was received from the Ecuadorean Foreign Office.

It has been suggested to me verbally by the Minister for Foreign Affairs that immediately upon the expiration of the Coignet contract the proper staff of medical officers and engineers be sent to Guayaquil by the Panama Canal Commission to conduct the survey.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The Foreign Office of Ecuador to the American Legation.

[Memorandum.—Translation.]

In view of the memorandum presented by the Chargé d'Affaires of the United States on March 23rd of the present year, respecting the sanitation of the port of Guayaquil and its environs, the Government of Ecuador, recognizing the importance of the suggestions made, considers that the sanitary condition of Guayaquil implies very grave and permanent danger to the Panama Canal, and to the economic results that may accrue therefrom, as it also constitutes very serious injury to the commercial interests of the Republic of Ecuador, the loss of life among the natives of which is computed according to the estimates of the Chargé d'Affaires himself at a thousand per annum, while the quarantines imposed against Ecuador mean an annual loss of one million sucres on an average (although respecting this, there are no reliable statistics)—a sum more than sufficient to cover the interest on the amount that might be expended on sanitary works in Guayaquil and environs;

Regarding as true the remark that no sanitary works have been carried out without the direct supervision of the respective Governments; and

Considering it necessary that the sanitation of Guayaquil and its environs must be so far efficient as not to run counter to the sanitary convenience of the Canal—

It would be desirable that the Panama Canal Commission take charge of the work of the sanitation of Guayaquil and its environs at cost price, without handing it over to companies of speculators, whose intervention would increase or augment the price in proportion to the profits, apart from the possible and prejudicial economy in the quality and quantity of the materials employed, which would result in serious detriment to the efficiency of the sanitation.

Said work should consist of the provision of potable water in sufficient quantity, as, for example, a minimum of seventy million liters daily; complete drains with the necessary mains; receptacles and piping in the streets of the city; the paving of the latter and of the side-walks, etc.

For the specifications of the sanitary works, a mixed commission could be appointed, with members in equal numbers, one-half taken from the Sanitary Commission and the other half appointed by the Government of Ecuador.

The employees of the sanitation works and their number could be designated by said mixed commission, which would determine the quality and quantity of the materials employed, and undertake to contract the debts and credits for the purchase of the materials used in the work.

Should the Coignet contract of October 5th, 1911, published in the "Registro Oficial", No. 32, expire, the revenues set apart by said law for the work of sanitation could be handed over to the Panama Canal Commission on its direct responsibility, and said Commission should give account of the correct and honest disbursement of the funds, which, by virtue of said law, might be handed over to it. Said Canal Commission should hand in its accounts together with invoices and bills of the suppliers or manufacturers of materials, etc.

The amounts collected or to be collected under the law of October 5th, 1911, by which funds are set aside for the Sanitation of Guayaquil, shall be handed over as aforesaid, to the Panama Canal Commission, which shall give a receipt or receipts for same; and said Commission by virtue of that fact, would be held responsible for the loss, undue expenditure or embezzlement of said amounts.

If because of some unforeseen event not within the control of the Government of Ecuador the said funds should not be delivered to the Canal Commission, or if the Canal Commission should desire to hasten the work of sanitation out of proportion to the receipt of said funds, the Government of the United States might receive from the Government of Ecuador bonds at par, bearing interest at 5% with 1% of amortization, said bonds to be cancelled by the said funds.

The agreement herein contemplated should cover all the time necessary for paying off the obligations arising from the work of sanitation of Guayaquil and its environs, and for saving the Canal Commission from all financial responsibility.

The employes and agents of the proposed mixed commission should be removable by the Government of Ecuador, if they or any of them should justifiably become objectionable to that Government.

Whatever the total cost of the sanitation of Guayaquil and its environs (comprising, as already said, a sufficient provision of potable water, distributing system, reservoirs, main conduits, street paving, sidewalks, etc.) the Government of Ecuador cannot devote to the enterprise a greater amount than that specified in the law of October 5, 1911, embodying the Coignet contract.

In order to hasten the work the Panama Canal Commission might at once send its engineers to inspect the premises and draw up the plans; said engineers would be paid by the Canal Commission, the Government of Ecuador paying half of the amount thus expended at the time of the beginning of the work of sanitation.

The financial control of the work would be wholly in the hands of the mixed commission, and all accounts passed upon by courts of Cuentas Ecuatorianas in conformity with the laws of the Republic of Ecuador.

All the foregoing stipulations are without prejudice to the rights acquired by the contractor Edmundo Coignet by virtue of the said law of October 5, 1911, provided that the claims of said contractor in no case injure the interests of the Republic of Ecuador, whose responsibility in this respect should be completely guarded.

Foreign Office,
Quito, May 6, 1912.

File No. 822.124/212.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, June 29, 1912.

The Coignet contract expires tomorrow and the Government of Ecuador desires to begin negotiations with the United States in regard to the sanitation of Guayaquil. The Minister for Foreign Affairs would like a reply to his memorandum of May 6.

BINGHAM.

File No. 822.124/212.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 5, 1912.

The Guayaquil matter is awaiting the reply of the War Department.

WILSON.

File No. 822.124/201.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 25, 1912.

Regarding your despatch No. 97, the War Department finds that it is not expedient for the Canal Commission to undertake the whole work of sanitation of Guayaquil, but if that is the desire of Ecuador, and assuming that the Commission will be furnished with the Coignet surveys and that these are sufficient to insure accurate engineering estimates, the War Department will designate a board of five consisting of Gorgas, an engineer, a sanitary expert, an accountant and a clerk. Investigation by such a board would cost, according to Gorgas, about $5600; Goethals adds $2500 for preparation of costs of engineering works including sewers, water supply and pavements.

The War Department cannot entertain any proposal that it pay any part of such expenses; furthermore, Congressional authorization of payment thereof by the Government of Ecuador must be had.

Communicate the substance of the foregoing to the Government of Ecuador and, if that Government assent thereto, you will obtain its acceptance in such form as to assure the payments.

KNOX.

File No. 822.124/228.

The American Chargé d'Affaires to the Secretary of State.

No. 125.]

AMERICAN LEGATION,
Quito, July 27, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of July 25 and enclose herewith copy of my note No. 81 in which the instructions therein contained were communicated to the Ecuadorian Foreign Office.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

No. 81.]

AMERICAN LEGATION.
Quito, July 27, 1912.

MR. MINISTER: I have the honor, referring to your excellency's memorandum dated May 6, 1912, in regard to the sanitation of Guayaquil, to inform your excellency that this memorandum has been referred by the Department of State to the War Department. The Panama Canal Commission is under the direction of the latter Department.

The War Department reports that it finds it inexpedient that the entire work of the sanitation of Guayaquil be undertaken by the Panama Canal Commission, but should the Government of Ecuador so desire, and assuming that the Commission will be furnished with the surveys made by Coignet and that these surveys are sufficiently detailed to ensure accurate estimates for engineering work, the War Department is willing to designate a board of five members, consisting of Colonel Gorgas, an engineer, a sanitary expert, an accountant, and a clerk, to proceed to Guayaquil for a thorough preliminary examination. This investigation, according to Colonel Gorgas will necessitate the expenditure of about fifty-six hundred dollars gold ($5600.00), as follows: transportation, $600.00; sustenance, $1,500.00; salaries, $2,500.00; incidentals, $1,000.00; total, $5,600.00.

Colonel Goethals, the Chairman of the Isthmian Canal Commission, however states that twenty-five hundred dollars ($2500.00) additional will be needed to prepare estimates of cost of engineering work, to include sewers, water supply and pavements. This makes a total altogether of eighty-one hundred dollars gold ($8100.00).

The War Department can not entertain the proposition that it defray any part of the expenses of the Board above mentioned, as Congressional authorization would be necessary.

Should, however the Government of Ecuador desire to have the Board make an examination of Guayaquil, with a view to the sanitation of that city, and if it will place the funds necessary, at the disposal of the Board it will give me pleasure to communicate this decision to my Government, in which case it will be possible for the Board to make its inspection and report without delay.

I avail [etc.]

RUTHERFURD BINGHAM.

File No. 822.124/220.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, July 28, 1912.

In reply to Department's telegram of July 25 I send the following translation of the note No. 357 from the Government of Ecuador, dated July 28, 1912:

> In reply to your note 81 dated the 27th, I have the honor to say:
>
> First. My Government desires that the complete work of the sanitation of the city of Guayaquil and its suburbs shall be carried out by the Government of the United States, without the intervention of any companies, contractors or private speculators whatsoever.
>
> Second. As the plans of Señor Coignet are limited to one part only of the city of Guayaquil, my Government considers them insufficient for the complete sanitation of Guayaquil. In consequence it will deposit in a bank in Guayaquil, to the order of the War Department of the United States, the amount of money which the said Department deems necessary for the immediate inspection and study of all the engineering works necessary, including sewers, water supply and pavements.
>
> Third. My Government deems it urgent to sign the proper convention with the Government of the United States of America in accordance with my memorandum of May 6, 1912, so that it may be approved by the next Ecuadorian Congress (August 10, 1912 to October 10, 1912).
>
> (Signed) A. E. ARCOS.

The Minister for Foreign Affairs says that nearly 1,000,000 sucres have already been accumulated for purposes of sanitation and 8100 dollars gold (amount estimated by Colonel Goethals) will be immediately available upon receipt of information that the Government of the United States is ready to negotiate a convention along the lines of the memorandum accompanying my 97.

BINGHAM.

File No. 822.124/220.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 30, 1912.

Say to the Minister for Foreign Affairs that there are objections to the proposed convention, set forth in your July 28; and that before entering into any convention it is highly desirable to make the preliminary investigation, the result of which would probably compensate Ecuador fully for the outlay. Ascertain whether in the absence of negotiation of a convention the $8100 will be available.

KNOX.

File No. 822.124/238.

The American Chargé d'Affaires to the Secretary of State.

AMERICAN LEGATION,
No. 128. *Quito, August 6, 1912.*

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instruction of July 30 and to enclose herewith a copy of my note No. 85 to the Ecuadorian Foreign Office, which embodied the instruction above noted. The matter has been referred to the Junta de Sanidad of Guayaquil, which under the law must give its consent to the disbursement of funds for purposes of sanitation.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

No. 85.]

AMERICAN LEGATION,
Quito, July 31, 1912.

MR. MINISTER: I have the honor, referring to your excellency's note No. 357, lated July 28, 1912, to state that I have been instructed by my Government to inform your excellency that there are certain objections to the proposed convention of which your excellency treats in your memorandum of May 6, 1912.

My Government, before entering into any convention, believes that it would be most desirable to know the result of the preliminary examination by the board of experts referred to in my note No. 81 of the 27th instant.

I have therefore the honor to enquire whether the Government of Ecuador desires to expend the eighty-one hundred dollars gold ($8,100.00) necessary for the expenses of this board, before considering further the question of the convention.

I avail [etc.]

RUTHERFURD BINGHAM.

File No. 822.124/236.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, September 5, 1912.

The Ecuadorean Government informs me to-day in a formal note that it has placed $8100 gold to the credit of this Legation in the Bank of Ecuador at Guayaquil. It is important that Gorgas come at the earliest date possible. I request instructions.

BINGHAM.

File No. 822.124/244.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 5, 1912.

It has seemed necessary to seek Congressional authorization because of the constitutional requirement therefor (art. 1, sec. 9, clause 8) in order to permit American officials to go to Ecuador in pursuance of Department's July 25. Ecuador did not make the fund available to cover the expenses of a commission until after Congress had adjourned, and the Department did not deem it advisable to request

Congressional action before Ecuador had deposited the funds. But the Department is trying to find a way to avoid awaiting the next session of Congress. You will do all you can to impress upon the Government of Ecuador the reasons for the delay and the continued interest of this Government in the matter.

WILSON.

File No. 822.124/260a.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 2, 1912.

Colonel Gorgas and party will leave for Guayaquil December 4.

KNOX.

File No. 822.124/260b.

[Telegram.—Paraphrase.]

December 5, 1912.

As soon as Colonel Gorgas arrives you will cooperate with him in every possible proper way. The Chargé d'Affaires of Ecuador here informs the Department that his Government desires bids from American firms upon the bases of sanitation to be reported by Colonel Gorgas. The Department learns that a reputable American firm will at the proper time present a comprehensive proposal.

KNOX.

File No. 822.124/265.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 169.] AMERICAN LEGATION,
Quito, December 13, 1912.

SIR: I have the honor to report that Colonel W. C. Gorgas, accompanied by Major R. E. Noble, Inspector General of Sanitation at Panama, Mr. G. A. Le Prince, Chief Inspector of Sanitation, and Mr. J. A. McGuigan, Secretary, arrived in Guayaquil December 8. The next morning Colonel Gorgas and party paid their respects to the Governor, and then went to the "Banco Comercial y Agrícola," where $8,100 gold was placed to the order of Colonel Gorgas. The engineers of the Junta de Canalización were then presented to Colonel Gorgas and placed all the data in their possession at the disposal of the Commission. The Commission has been received with the greatest cordiality.

I have [etc.]

RUTHERFURD BINGHAM.

File No. 822.124/271.

[Extract.]

No. 172.] *December 20, 1912.*

SIR: I have the honor to report that Colonel Gorgas, accompanied by Major Noble and Mr. McGuigan, Secretary of the Commission, arrived at Quito December 15 for the purpose of paying their respects to President Plaza and other members of the Government. The Minister for Foreign Affairs gave a luncheon in honor of the Commission, which left for Guayaquil December 18.

So far the visit of the Sanitary Commission to Ecuador has been a most pleasant one in every respect.

I am informed that the Commission will return to Panama on the steamer sailing from Guayaquil December 21.

I have [etc.]

RUTHERFURD BINGHAM.

ATTACKS ON CHINESE CITIZENS. GOOD OFFICES OF THE UNITED STATES.

File No. 322.93/3.

The American Chargé d'Affaires to the Secretary of State.

No. 66.] AMERICAN LEGATION,
Quito, March 2, 1912.

SIR: I have the honor to enclose herewith a copy of a letter received by this Legation from the President of the Chinese Colony in Guayaquil containing a list of the losses sustained by Chinese citizens in Ecuador during the recent revolution.

I discussed this matter verbally with the Minister for Foreign Affairs, who informed me that the proper course would be for the Chinese citizens affected to institute judicial proceedings in the courts of the country to determine the amount due and responsibility for damages claimed. This information was communicated to the President of the Chinese Colony.

I have [etc.]

RUTHERFURD BINGHAM.

[Inclosure 1.]

The President of the Chinese Colony at Guayaquil to the American Minister.

[SEAL OF THE CHINESE COLONY.]
Guayaquil, February 24, 1912.

SIR: I have the honor to transmit herewith a statement[1] of the losses sustained by Chinese citizens in Ecuador during the revolution commencing December 28, 1911. These losses were the result of operations both by the Constitutional and revolutionary forces.

This statement is an outline only on the Chinese losses and is extracted from detailed documents sustained by competent witnesses. It is sent for your immediate information with a view of elaborating a scheme of presentation and collection.

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[1] Not printed.

A copy of this communication will be sent by this mail to Mr. Young, now in Washington, and to the Chinese Minister, in order that conferences may be held regarding the disposition of this claim.

I have [etc.]

C. SANTON TAY SING.

[Inclosure 2.]

The American Chargé d'Affaires to the President of the Chinese Colony.

AMERICAN LEGATION,
Quito, March 2, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of February 24, 1912, inclosing a list of the losses sustained by Chinese citizens during the recent revolution in Ecuador.

I discussed the matter of Chinese claims, verbally, with his excellency, Dr. Carlos R. Tobar, Minister for Foreign Affairs, who advised me that the proper procedure would be for the Chinese who have suffered losses to institute judicial proceedings in the courts of law of the country to determine the amount of loss in each case and to fix the responsibility.

I would therefore suggest that you lose no time in collecting all the evidence possible in regard to the claims above mentioned and that you select two of them as test cases, one where the damage was caused by the Constitutional troops, the other where revolutionary troops were responsible, leaving the others for such action as may seem advisable after a decision has been obtained in the two test cases.

I am [etc.]

RUTHERFURD BINGHAM.

File No. 322.93/4.

The American Chargé d'Affaires to the Secretary of State.

No. 74.]

AMERICAN LEGATION,
Quito, March 16, 1912.

SIR: I have the honor, referring to my despatch No. 66, to enclose herewith a copy of a letter addressed to this Legation by the President of the Chinese Colony in Guayaquil, in further reference to the losses sustained by Chinese citizens in Ecuador during the recent revolution. I have informed the President of the Chinese Colony that his letter has been referred to the Department of State, for such action as may seem to it advisable.

I have [etc.].

RUTHERFURD BINGHAM.

[Inclosure.]

The President of the Chinese Colony to the American Chargé d'Affaires.

[SEAL OF THE CHINESE COLONY.]
Guayaquil, March 12, 1912.

SIR: I have the honor to acknowledge the receipt of your communication of March 2, 1912, relative to the Chinese losses sustained during the recent revolution in Ecuador.

In reply I have the honor to state that I have witnesses in each particular instance as to who caused the damage and as to the extent of the damage. In view of the changes of the Government within the last few days and the impossibility of carrying the case through the Courts within any reasonable length of time, it is respectfully suggested that through the good offices of the United States, a commission be appointed to determine the amount of loss and to fix the responsibility.

I wish you would consider this method and if you consider it feasible I would be glad to have you take the necessary steps to carry it through.

I beg to remain [etc.],

C. SANTÓN TAY SING

File No. 322.93/3.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 40.]

DEPARTMENT OF STATE,
Washington, March 30, 1912.

SIR: The Department is in receipt of your despatch No. 66 of the 2d instant, transmitting copies [etc.].

The action of the Legation as reported in your despatch has the approval of the Department. You may, however, with the acquiescence of the Ecuadorian Government, informally submit to the Minister for Foreign Affairs a list of such claims for consideration by that Government.

Under no circumstances should formal representations in this matter be made by the Legation, unless in accordance with express instructions from the Department.

I am [etc.]

HUNTINGTON WILSON.

File No. 322.93/4.

DEPARTMENT OF STATE,
Washington, April 29, 1912.

SIR: The Department is in receipt of your despatch No. 74 of the 16th ultimo, enclosing [etc].

Instruction No. 40 of the 30th ultimo, which crossed your despatch in the mail, informs you of the attitude which the Legation should adopt in this matter.

I am [etc.]

HUNTINGTON WILSON.

File No. 322.93/5.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 17, 1912.

The Department has received the following telegram from the American Legation at Peking:

> Request received from the Minister for Foreign Affairs that instructions be given our Minister in Ecuador to use his good offices for the protection of Chinese who have been attacked and have had no redress from the Government of Ecuador.

Guided by Department's No. 61 of August 22, 1908,[1] you will, with the consent of the Government of Ecuador, use your good offices for the protection of Chinese subjects and their interests in Ecuador.

KNOX.

File No. 322.93/7.

The American Chargé d'Affaires to the Secretary of State.

AMERICAN LEGATION,
No. 119. *Quito, July 18, 1912.*

SIR: I have the honor to acknowledge the receipt this morning of the Department's telegram of July 17 with reference to the protection of the persons and property of the Chinese subjects resident in Ecuador.

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[1] For. Rel. 1908, pp. 61–62.

In the month of April there was a renewal of anti-Chinese demonstration in the coast provinces of "Manabi," "Los Rios" and "El Oro." For the most part these were directed against individuals and were promptly reported to this Legation by the President of the Chinese Beneficent Society of Guayaquil. Each one of the complaints received I took personally to the Minister for Foreign Relations and thoroughly discussed the matter with him in an informal manner.

Dr. Arcos, the Minister for Foreign Relations, on every occasion took the utmost trouble to investigate the abuses reported and showed me the telegraphic correspondence which had passed between him and the local authorities, which on the part of the Minister for Foreign Relations contained instructions that the Chinese were to be given the full protection of the law, and reprimands to those officials who had failed to do their duty either through neglect or personal interest.

An attack of a much more serious nature occurred last month at Chone in the Province of Manabi. There are in Chone eleven Chinese stores. A demonstration was made by the natives against the Chinese, violence was attempted and some shooting took place. Fortunately however no Chinese were wounded. The result has been that the Chinese closed their stores and did no business, as I am informed, for a period of twenty-two days. At the present moment this Legation is awaiting documentary evidence of the failure of the local authorities in Chone to properly protect the Chinese in order to lay the matter before the central Government.

I have [etc.]

RUTHERFURD BINGHAM.

The Department of State to the Chinese Legation.

[Memorandum.]

The Department of State is in receipt of a despatch dated July 18, 1912, from the American Chargé d'Affaires at Quito, Ecuador, wherein he acknowledges the receipt of the Department's telegram of July 17th with reference to the protection of the persons and property of the Chinese subjects resident in Ecuador.

The Chargé d'Affaires reports that in the month of April there was a renewal of anti-Chinese demonstration in the coast provinces of Manabi, Los Rios and El Oro. For the most part these were directed against individuals and were promptly reported to the American Legation by the President of the Chinese Beneficent Society of Guayaquil. Each one of the complaints received was taken personally by the Chargé to the Minister for Foreign Relations and the matter was thoroughly discussed in an informal manner.

Dr. Arcos, the Minister for Foreign Relations, on every occasion took the utmost trouble to investigate the abuses reported and showed the Chargé the telegraphic correspondence which had passed between the Minister and the local authorities, which on the part of Dr. Arcos contained instructions that the Chinese were to be given the full protection of the law, and reprimands to those officials who had failed to do their duty either through neglect or personal interest.

An attack of a much more serious nature occurred last month at Chone in the Province of Manabi, where there are located eleven Chinese stores. A demonstration was made by the natives against the Chinese, violence was attempted and some shooting took place. Fortunately, however, no Chinese were wounded. The result has been that the Chinese closed their stores and did no business, as the Chargé states that he was informed, for a period of twenty-two days. At the present the Legation is awaiting documentary evidence of the failure of the local authorities in Chone to properly protect the Chinese in order to lay the matter before the Central Government.

Department of State,
Washington, August 7, 1912.

File No. 322.93/10.

The American Minister to China to the Secretary of State.

American Legation,
No. 620.] *Peking, August 23, 1912.*

Sir: Regarding the request of the Chinese Government that instructions be sent to the American Minister in Ecuador to use his good offices for the protection of Chinese and their interests in that country, I have the honor to enclose herewith a memorandum from the Foreign Office dated August 18, 1912, expressing the thanks of the Chinese Government for the prompt response to its request for the extension by the American Government of protection to Chinese citizens and their interests.

I have [etc.]

W. J. Calhoun.

[Inclosure.—Memorandum.]

The Chinese Foreign Office to the American Legation.

We are in receipt of a memorandum stating that you had notified by cable the American Government of the ill-treatment accorded Chinese citizens in Ecuador from the natives of that country, and that you had received a reply stating that on July 17 the Department of State instructed by telegram the American Chargé d'Affaires at Quito, first to consult with the Government of Ecuador and with their consent to assist and protect the persons and interests of Chinese in Ecuador. In addition the telegram directed the American Chargé to communicate these instructions to all the American consuls in Ecuador. On the receipt of this you immediately notified the Foreign Office.

We sincerely thank your excellency for this aid and also the American Government for its regard for the friendly relations between the two countries in responding without discrimination to the distress of Chinese in Ecuador by telegraphing instructions for their protection.

The President of this Board specially sends this word of thanks to express his deep and grateful appreciation, with the request that it be transmitted to your Government.

[Seal.]
August 18, 1912.

FRANCE.

PRESENTATION BY FRANCE TO THE UNITED STATES OF A BUST OF "LA FRANCE" AT THE CHAMPLAIN CELEBRATION.

NOTE.—In 1908 the New York and Vermont commissions appointed for the purpose of investigating the ways and means of celebrating the tercentenary of the discovery of Lake Champlain, jointly reported in favor of collaborating with the Governments of the United States and the Dominion of Canada for the purposes of the celebration. These reports were submitted by the President on April 30, 1908 to Congress. A report from the House Committee on Foreign Affairs (Report No. 2169, 60th Cong., 2d sess., accompanying H. J. Resolution 257) was presented on February 15, 1909. In April, 1909, an invitation was extended to the Governments of France and Great Britain to participate in the proposed celebration, and both Governments accepted. The celebration was duly observed, July 5–9, 1909, in honor of the discovery in July, 1609, by the Frenchman Samuel Champlain of the lake named for him.

In 1731 France erected Fort St. Frédéric on the peninsula of the lake known as Crown Point; this fort, after two wars and several minor engagements, was finally captured in August, 1759, by the British, who held it until American troops under Seth Warner's command took it in May, 1775. On October 11, 1776, Benedict Arnold engaged the British in a naval battle on Lake Champlain which served to prevent British invasion of northern New York. Burgoyne took Crown Point in June, 1777, but the end of the Revolution restored it to the Americans. The naval battle on Lake Champlain in September, 1814, was an American victory decisive enough to terminate the war of 1812. Fort Ticonderoga, Plattsburg, Burlington, Isle La Motte, and many other points of historic interest are associated with that of Crown Point and Lake Champlain, and exercises were held at several of these during the tercentenary of July 5–9, 1909.

As a sequel to the tercentenary celebration the joint Vermont and New York Champlain Committee undertook the erection of a monumental lighthouse on Crown Point to commemorate the discovery and subsequent history of the lake and its environs. In view thereof, and while the monument was nearing completion, the French Ambassador, Mr. Jusserand, suggested to his Government the propriety of participation in the dedication. This suggestion was referred by the Foreign Office to the Comité France-Amérique, a society organized for the purpose of strengthening the social and business relations between France and the American States. The Comité France-Amérique conducted a collection of funds for carrying out its program of participation. This program consisted in the organization of a delegation of distinguished Frenchmen who should personally present to the Champlain Committee, in behalf of their country a bronze bust of a young woman representing "La France," executed by the French sculptor Rodin. Of this bust M. Hanotaux, who headed the delegation, said, in announcing to the French people the Comité's plan of participation:

> Que peut faire, que doit faire la France? Quelle pierre, digne d'elle, apportera-t-elle au monument? Il n'y a qu'une solution, c'est que cette pierre soit *précieuse* . . . Nous sommes allés chez Rodin. On sait à quel point son nom est populaire en Amérique. Le sculpteur magnifique dont la renommée rayonne sur le monde n'a nulle part de plus fervents admirateurs. Nous avons parcouru les salons de l'hotel de Biron . . . et, parmi tant d'oeuvres où l'admiration s'épuise, nous avions découvert (c'est le mot juste, car la fière modestie du maitre le signalait à peine) un buste en bronze: *La France.* Imaginez l'émotion de cette rencontre. Nous cherchions une image, un symbole, j'oserais dire une signature de notre pays pour l'envoyer là-bas, et nous trouvions la France elle-même, une mignonne France pleine de grâce, de vivacité et de courage, une jeune femme française aux narines frémissantes, aux joues pleines, au menton delicat et volontaire, au regard loyal, mutin et brave, une jeune femme où se résument nos Blanche, nos Henriette, nos Clotilde et nos Jeanne, coiffée de ses cheveux comme d'un casque, armée de sa parure comme d'une cuirasse. Nous cherchions une pensée française et nous trouvions l'image même de la France.[1]

[Translation.]

> What can France do, what ought she to do? What stone, worthy of her, shall she set before the monument? There is but one answer: it must be a *precious* stone . . . [So] we went to consult Rodin. How popular Rodin is in America is well known; nowhere on earth has the great sculptor, whose renown so shines on the world, more fervent admirers. We visited the rooms of the Biron mansion . . . and, amid so many works that exhaust admiration we found (that is the word, for the modest pride of the master hardly pointed it out) a bust in bronze: *La France.* Imagine our emotion when we saw it. We had been searching for an image, a symbol, I will even say a signature of our country, to send yonder; and we found France herself—a lovely France full of grace, vivacity and courage, a young French women with quivering nostrils, rounded cheeks, delicately firm chin, and sprightly, brave and loyal eyes, a girl in whom are gathered in one all our Blanches and Henriettes and Clotildes and Jeannes, wearing her hair like a helmet and her gown like a cuirass. We had sought a French idea and we found the very image of France.

File No. 811.415 C35/45.

The French Ambassador to the Secretary of State.

[Translation.]

French Embassy,
Washington, April 6, 1912.

Mr. Secretary of State: A delegation presided over by Monsieur Hanotaux, member of the French Academy, former Minister for Foreign Affairs, and composed of some twenty persons, will soon arrive in America to offer to the Champlain Committee a bust by Rodin with which to ornament the monument now building at Crown Point.

This delegation, which comprises several members of the French Academy, two Generals, a Senator, the President of the Academy of Fine Arts, several members of the Institut, etc., will come to New York on board the S. S. *La France* arriving about the 26th instant.

I should be very grateful to your excellency if you would request the competent authorities to expedite the landing and examination of the baggage of the delegation as much as compatible with the regulations.

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[1] From the Comité's Paris publication, "France-Amérique," for January, 1912, p. 5. Other articles on the Champlain centenary may be found in this review for May, June, July, September, and December, 1912. (Library of Congress No. E11.F81.) The July number contains a reproduction of the bust.

The stay of the delegation in the United States must be very brief, as they expect to depart after about ten days.

Accept [etc.].

JUSSERAND.

File No. 811.415 C35/46.]

The American Ambassador to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY.
Paris, April 10, 1912.

I have officially received from the Comité France-Amérique the names of the distinguished delegation who will sail on the steamship *La France* on April 20 to represent France and present the Rodin bust at the Champlain celebration, as follows:

M. Gabriel Hanotaux, of the Académie Française, former Minister for Foreign Affairs, president of the Comité France-Amérique;

Comte Charles de Chambrun, Secretary of Embassy, representing the Premier of France, M. Poincaré;

General Henri Brugère, Vice President of the Comité France-Amérique, former member of the Conseil Supérieur de la Guerre;

M. René Bazin, of the Académie Française;

M. Louis Barthou, Deputy, former Minister of Justice;

M. Étienne Lamy, of the Académie Française;

M. Fernand Cormon, President of the Académie des Beaux-Arts;

Baron D'Estournelles de Constant, Senator, member of the Hague Court;

the Duc de Choiseul;

M. Paul Vidal de la Blache, of the Institut, geographer, representing the University of Paris;

Comte de Rochambeau;

General Félix Lebon;

M. Louis Bleriot;

Viscount de Caix de Saint-Aymour;

M. J. H. Dal Piaz, General Manager of the Compagnie Générale Transatlantique;

M. Léon Barthou, representing the Aero Club;

M. Auguste Lepère;

M. Antoine Girard;

M. Gabriel-Louis Jaray, Secretary General of the Comité France-Amérique;

M. de Ribes-Christofle, representing the Paris Chamber of Commerce;

M. René Pinon, of the "Revue des Deux Mondes";

and four ladies:

the Comtesse de Rochambeau;

Madame Blériot;

Mlle. Girard; and

Mlle. Cormon.

Accompanying the delegation are the French journalists M. Gaston Deschamps, representing "Le Temps," and M. Régis Gignoux, representing "Figaro."

I consider it very desirable and important that every possible official courtesy be shown to this delegation during their short stay in America. Their itinerary can be had from the French Ambassador.

BACON.

File No. 811.415 C35/35.]

The Acting Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, April 17, 1912.

The Acting Secretary of State presents his compliments to the Ambassador of the French Republic and has the honor to inform him, in reply to the Ambassador's note of the 6th instant, that instructions were issued to the Collector of Customs at New York, on the 12th instant, directing him to expedite the landing and examination of the baggage of the French Delegates who are coming to this country for the purpose of delivering to the Champlain Committee a bust by Rodin destined to ornament the monument in course of construction at Crown Point, upon their arrival at New York City on or about the 26th instant, per the S. S. *La France.*

NOTE.—The delegation arrived at New York April 26 and in Washington April 28, where they were received by M. Peretti de la Rocca, Counselor of the French Embassy, and Mr. Chandler Hale, Acting Secretary of State, and the President's Aide. The President, who was absent from Washington, caused the *Dolphin* to be placed at the disposal of the delegation on April 29, on which day they visited Mount Vernon, M. Hanotaux placing a wreath on the tomb of Washington; accompanying the party on this occasion were the Acting Secretary of State, the Secretary of War, the Assistant Secretary of War, General Wood, and other officials. The President returned to Washington and entertained the delegates at luncheon on April 30 at the White House. On May 1 they were officially welcomed by State officials of New York and Vermont at dinner in New York City. On May 3 the delegation participated in the ceremonies at Lake Champlain, after visiting the various points of interest there. The bust of La France was fixed in its place at the base of the monument and the chief of the delegation, M. Hanotaux, delivered an address of presentation, to which responses were made by the Governors of New York and Vermont, and others.

On the bronze background of the high-relief bust thus presented is the following inscription:

> Le 20 juillet 1609 le français S. Champlain a découvert le lac qui porte son nom. Le 3 mai 1912, les États-Unis d'Amérique élevant ce monument, une délégation française a scellé cette figure de "La France."

File No. 811.415 C35/56.

The French Delegation to the President.

[Telegram.]

PHILADELPHIA, *May 1, 1912.*

La délégation Française très touché de l'acceuil inoubliable que vous avez daigné leur faire à la Maison Blanche, prie Votre Excellence d'agréer expression de ses remerciements les plus réspectueux.

[Not signed.]

[Telegram.]

MONTREAL, *May 3, 1912.*

La délégation Française, à la suite de l'inauguration du monument Champlain et au moment où elle quitte le sol des États-Unis, exprime au Président de la grande République soeur l'hommage de sa gratitude et de son respect.

HANOTAUX.

File No. 811.415 C35/60.

The American Ambassador to the Secretary of State.

No. 43.]

AMERICAN EMBASSY,
Paris, June 20, 1912.

SIR: I have the honor to report that the annual banquet of the "France-Amérique" which this year was given in honor of the French Champlain Delegation, was held yesterday evening, the President of the Council, Minister for Foreign Affairs, Monsieur Poincaré, presiding.

Monsieur Gabriel Hanotaux, President of the Society and also of the Champlain Delegation, in an eloquent speech expressed the thanks of the delegation for the cordial and hospitable reception it had received in the United States and particularly requested that I should transmit to the President the "grateful expressions of appreciation for his reception of the delegation." In terminating his speech he proposed the health of the United States and of President Taft.

Monsieur Louis Barthou, a member of the delegation, who since his return has become Chairman of the Committee on Foreign Relations of the Chamber of Deputies, also delivered a speech, in which he spoke most appreciatively of the attention paid to the members of the delegation during their entire stay in the United States.

I therefore beg that there may be conveyed to the President the expressions of thanks which were pronounced by Monsieur Gabriel Hanotaux in the name of the members of the delegation.

I have [etc.]

MYRON T. HERRICK.

GERMANY.

WIRELESS TELEGRAPH CONVENTION BETWEEN THE UNITED STATES AND OTHER POWERS.

Signed at Berlin, November 3, 1906; ratification advised by the Senate, April 3, 1912; ratified by the President, April 22, 1912; ratification of the United States deposited with the Government of Germany, May 17, 1912; proclaimed, May 25, 1912.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a wireless telegraph convention, with service regulations, a suppplementary agreement, and a final protocol was concluded and signed by the plenipotentiaries of the United States of America, Germany, Argentine Republic, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Great Britain, Greece, Italy, Japan, Mexico, Monaco, Norway, Netherlands, Persia, Portugal, Roumania, Russia, Sweden, Turkey and Uruguay, at Berlin on November third, one thousand nine hundred and six, the original of which convention and annexes, being in the French language, is word for word as follows:

[In the publication "Treaty Series, No. 568," from which this is printed, the French text here follows, with a translation in English at page 31, as follows:]

[Translation.]

International wireless telegraph convention concluded between Germany, the United States of America, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Great Britain, Greece, Italy, Japan, Mexico, Monaco, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Sweden, Turkey, and Uruguay.

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at Berlin, have agreed on the following Convention, subject to ratification:

ARTICLE 1.

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all wireless telegraph stations open to public service between the coast and vessels at sea—both coastal stations and stations on shipboard—which are established or worked by the Contracting Parties.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for wireless telegraphy open to the service of public correspondence between the coast and vessels at sea, or to establish or work wireless telegraph stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2.

By "coastal stations" is to be understood every wireless telegraph station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every wireless telegraph station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3.

The coastal stations and the stations on shipboard shall be bound to exchange wireless telegrams reciprocally without distinction of the wireless telegraph system adopted by such stations.

ARTICLE 4.

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5.

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6.

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of wireless telegrams, as specified in the Regulations.

ARTICLE 7.

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special wireless communication without publishing the details of such devices.

ARTICLE 8.

The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless stations.

ARTICLE 9.

Wireless telegraph stations are bound to give absolute priority to calls of distress from ships, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10.

The total charge for wireless telegrams shall comprise:

1. The charge for the maritime transmission, that is:

(*a*) The coastal rate, which shall fall to the coastal station;

(*b*) The shipboard rate, which shall fall to the shipboard station.

2. The charge for transmission over the lines of the telegraph system, to be computed according to the general regulations.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government whose flag the ship is flying.

Each of these rates shall be fixed in accordance with the tariff per word, pure and simple, with an optional minimum rate per wireless telegram, on the basis of an equitable remuneration for the wireless work. Neither rate shall exceed a maximum to be fixed by the High Contracting Parties.

However, each of the High Contracting Parties shall be at liberty to authorize higher rates than such maximum in the case of stations of ranges exceeding 800 km. or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

For wireless telegrams proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the High Contracting Parties shall advise one another of the rates applicable to the transmission over the lines of their telegraph system. Such rates shall be those resulting from the principle that the coastal station is to be considered as the station of origin or of destination.

ARTICLE 11.

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries or simply administrative conferences, according as the Convention or the Regulations are affected, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12.

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

ARTICLE 13.

An International Bureau shall be charged with collecting, coordinating and publishing information of every kind relating to wireless telegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to in the interest of international wireless telegraphy.

The expenses of such institution shall be borne by all the contracting countries.

ARTICLE 14.

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive wireless telegrams proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a wireless telegram is received the ordinary rates shall be applicable to it.

Any wireless telegram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any wireless telegram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15.

The provisions of Articles 8 and 9 of this Convention are also applicable to wireless telegraph installations other than those referred to in Article 1.

ARTICLE 16.

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

ARTICLE 17.[a]

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention of St. Petersburg of July 10/22, 1875, shall be applicable to international wireless telegraphy.

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[a] See translation of Articles of the International Telegraph Convention referred to in Article 17, affixed.

ARTICLE 18.

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government, and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19.

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20.

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

ARTICLE 21.

The High Contracting Parties shall preserve their entire liberty as regards wireless telegraph installations other than provided for in Article 1, especially naval and military installations, which shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations are used for general public service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

ARTICLE 22.

The present Convention shall go into effect on the 1st day of July, 1908, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23.

The present Convention shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each Party.

Done at Berlin, November 3, 1906.

For Germany: Kraetke, Sydow. For United States: Charlemagne Tower, H. N. Manney, James Allen, John I. Waterbury. For Argentina: J. Olmi. For Austria: Barth, Fries. For Hungary: Pierre de Szalay, Dr. de Hennyey, Hollós. For Belgium: F. Delarge, E. Buels. For Brazil: Cesar de Campos. For Bulgaria: Iv. Stoyanovitch. For Chile: J. Muñoz Hurtado, J. Mery. For Denmark: N. R. Meyer, I. A. Voehtz. For Spain: Ignacio Murcia, Ramón Estrada, Rafael Rávena, Isidro Calvo, Manuel Noriéga, Antonio Peláez-Campomanes. For France: J. Bordelongue, L. Gaschard, Boulanger, A. Devos. For Great Britain: H. Babington Smith, A. E. Bethell, R. L. Hippisley. For Greece: T. Argyropoulos. For Italy: J. Colombo. For Japan: Osuke Asano, Rukure Yashiro, Shunkichi Kimura, Ziro Tanaka, Saburo Hyakutake. For Mexico: José M. Pérez. For Monaco: J. Depelley. For Norway: Heftye, O. T. Eidem. For Netherlands: Kruÿt, Perk, Hoven. For Persia: Hovhannès Khan. For Portugal: Paulo Benjamin Cabral. For Roumania: Gr. Cerkez. For Russia: A. Eichholz, A. Euler, Victor Bilibine, A. Remmert, W. Kédrine. For Sweden: Herman Rydin, A. Hamilton. For Turkey: Nazif Bey. For Uruguay: F. A. Costanzo.

Supplementary agreement.

The undersigned plenipotentiaries of the Governments of Germany, the United States of America, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Greece, Monaco, Norway, the Netherlands, Roumania, Russia, Sweden, Turkey, and Uruguay bind themselves mutually, from the date of the going into effect of the Convention, to conform to the provisions of the following supplementary articles:

I.

Each station on shipboard referred to in Article 1 of the Convention shall be bound to correspond with any other station on shipboard without distinction of the wireless telegraph system adopted by such stations respectively.

II

The Governments which have not adhered to the foregoing article may at any time signify, by following the procedure prescribed by

Article 16 of the Convention, that they bind themselves to conform to its provisions.

Those which have adhered to the foregoing article may at any time, under the same conditions as provided for in Article 22, signify their intention to cease conforming to its provisions.

III.

This agreement shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the present Agreement, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany: Kraetke, Sydow. For United States: Charlemagne Tower, H. N. Manney, James Allen, John I. Waterbury. For Argentina: J. Olmi. For Austria: Barth, Fries. For Hungary: Pierre de Szalay, Dr. de Hennyey, Hollós. For Belgium: F. Delarge, E. Buels. For Brazil: Cesar de Campos. For Bulgaria: Iv. Stoyanovitch. For Chile: J. Muñoz Hurtado, J. Mery. For Denmark: N. R. Meyer, I. A. Vochtz. For Spain: Ignacio Murcia, Ramón Estrada, Rafael Rávena, Isidro Calvo, Manuel Noriéga, Antonio Peláez-Campomanes. For France: J. Bordelongue, L. Gaschard, Boulanger, A. Devos. For Greece: T. Argyropoulos. For Monaco: J. Depelley. For Norway: Heftye, O. T. Eidem. For Netherlands: Kruÿt, Perk, Hoven. For Roumania: Gr. Cerkez. For Russia: A. Eicholz, A. Euler, Victor Bilibine, A. Remmert, W. Kédrine. For Sweden: Herman Rydin, A. Hamilton. For Turkey: Nazif Bey. For Uruguay: F. A. Costanzo.

Final protocol.

At the moment of signing the Convention adopted by the International Wireless Telegraph Conference of Berlin, the undersigned plenipotentiaries have agreed as follows:

I.

The High Contracting Parties agree that at the next Conference the number of votes to which each country is entitled (Article 12 of the Convention) shall be decided at the beginning of the deliberations, so that the colonies, possessions or protectorates admitted to the privilege of voting may exercise their right to vote during the entire course of the proceedings of such Conference.

This decision shall be of immediate effect and remain in force until amended by a subsequent Conference.

As regards the next Conference, applications for the admission of new votes in favor of colonies, possessions or protectorates which may have adhered to the Convention shall be addressed to the International Bureau at least six months prior to the date of the convening of such Conference. Notice of such applications shall at once be given to the remaining contracting Governments, which may, within the period of two months from the receipt of the notice, formulate similar applications.

II.

Each contracting Government may reserve the right to designate, according to circumstances, certain coastal stations to be exempted from the obligation imposed by Article 3 of the Convention, provided that, as soon as this measure goes into effect, there shall be opened within its territory one or several stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service. The Governments desiring to reserve this right shall give notice thereof in the form provided for in the second paragraph of Article 16 of the Convention, not later than three months before the Convention goes into effect, or, in case of subsequent adhesion, at the time of such adhesion.

The countries whose names follow below declare now that they will not reserve such right:

Germany, United States, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Greece, Mexico, Monaco, Norway, Netherlands, Roumania, Russia, Sweden, Uruguay.

III.

The manner of carrying out the provisions of the foregoing article shall be at the discretion of the Government which takes advantage of the right of exemption; such Government shall be at liberty to decide from time to time, in its own judgment, how many stations and what stations shall be exempted. Such Government shall likewise be at liberty as regards the manner of carrying out the provision relative to the opening of other stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service.

IV.

It is understood that, in order not to impede scientific progress, the provisions of Article 3 of the Convention shall not prevent the eventual employment of a wireless telegraph system incapable of communicating with other systems, provided, however, that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

V.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates, unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates as a whole, or each of them separately, may form the subject of a separate adherence or a separate denunciation within the provisions of Articles 16 and 22 of the Convention.

It is understood that the stations on board of vessels whose headquarters is a port in a colony, possession or protectorate may be deemed as subject to the authority of such colony, possession or protectorate.

VI.

Note is taken of the following declaration:

The Italian delegation in signing the Convention does so with the reservation that the Convention can not be ratified on the part of Italy until the date of the expiration of her contracts with Mr. Marconi and his Company, or at an earlier date if the Government of the King of Italy shall succeed in fixing such date by negotiations with Mr. Marconi and his Company.

VII.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the parties which shall have ratified it.

In witness whereof the undersigned plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany: Kraetke, Sydow. For United States: Charlemagne Tower, H. N. Manney, James Allen, John I. Waterbury. For Argentina: J. Olmi. For Austria: Barth, Fries. For Hungary: Pierre de Szalay, Dr. de Hennyey, Hollós. For Belgium: F. Delarge, E. Buels. For Brazil: Cesar de Campos. For Bulgaria: Iv. Stoyanovitch. For Chile: J. Muñoz Hurtado, J. Meyer. For Denmark: N. R. Meyer, I. A. Voehtz. For Spain: Ignacio Murcia, Ramón Estrada, Rafael Rávena, Isidro Calvo, Manuel Noriega, Antonio Peláez-Campomanes. For France: J. Bordelongue, L. Gascherd, Boulanger, A. Devos. For Great Britain: H. Babington Smith, A. E. Bethell, R. L. Hippisley. For Greece: T. Argyropoulos. For Italy: J. Colombo. For Japan: Osuke Asano, Rokure Yashiro, Shunkichi Kimura, Ziro Tanaka, Saburo Hyakutake. For Mexico: José M. Pérez. For Monaco: J. Depelley. For Norway: Heftye, O. T. Eidem. For Netherlands: Kruÿt, Perk, Hoven. For Persia: Hovhannès Khan. For Portugal: Paulo Benjamin Cabral. For Roumania: Gr. Cerkez. For Russia: A. Eicholz, A. Euler, Victor Bilibine, A. Remmert, W. Kédrine. For Sweden: Herman Rydin, A. Hamilton. For Turkey: Nazif Bey. For Uruguay: F. A. Costanzo.

Service regulations annexed to the International Wireless Telegraph Convention.

1. ORGANIZATION OF WIRELESS TELEGRAPH STATIONS.

I.

The choice of wireless apparatus and devices to be used by the coastal stations and stations on shipboard shall be unrestricted. The installation of such stations shall as far as possible keep pace with scientific and technical progress.

II.

Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths. During the whole time that the station is open to service it shall be in condition to receive calls according to its wave length, and no other wave length shall be used by it for the service of general public correspondence. Each Government may, however, authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the Convention, provided such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

III.

1. The normal wave length for stations on shipboard shall be 300 meters. Every station on shipboard shall be installed in such manner as to be able to use this wave length. Other wave lengths may be employed by such stations provided they do not exceed 600 meters.

2. Vessels of small tonnage which are unable to have plants on board insuring a wave length of 300 meters may be authorized to use a shorter wave length.

IV.

1. The International Bureau shall be charged with drawing up a list of wireless telegraph stations of the class referred to in Article 1 of the Convention. Such list shall contain for each station the following data:

(1) Name, nationality, and geographical location in the case of coastal stations; name, nationality, distinguishing signal of the International Code and name of ship's home port in the case of stations on shipboard;

(2) Call letters (the calls shall be distinguishable from one another and each must be formed of a group of three letters);

(3) Normal range;

(4) Wireless telegraph system;

(5) Class of receiving apparatus (recording, acoustic, or other apparatus);

(6) Wave lengths used by the station (the normal wave length to be underscored);

(7) Nature of service carried on by the station:

General public correspondence;

Limited public correspondence (correspondence with vessels . . . ; correspondence with shipping lines . . . ; correspondence with ships fitted with apparatus of the . . . system, etc.);

Long range public correspondence;

Correspondence of private interest;

Special correspondence (exclusively official correspondence); etc.

(8) Hours during which the station is open;

(9) Coastal rate or shipboard rate.

2. The list shall also contain such data relating to wireless telegraph stations other than those specified in Article 1 of the Convention as may be communicated to the International Bureau by the Management of the Wireless Telegraph Service ("Administration") to which such stations are subject.

V.

The exchange of superfluous signals and words is prohibited to stations of the class referred to in Article 1 of the Convention. Experiments and practice will be permitted in such stations in so far as they do not interfere with the service of other stations.

VI.

1. No station on shipboard shall be established or worked by private enterprise without authority from the Government to which the vessel is subject. Such authority shall be in the nature of a license issued by said Government.

2. Every station on shipboard that has been so authorized shall comply with the following requirements:

(a) The system employed shall be a syntonized system;

(b) The rate of transmission and reception, under normal conditions, shall not be less than twelve words a minute, words to be counted at the rate of five letters each;

(c) The power transmitted to the wireless telegraph apparatus shall not, under normal conditions, exceed one kilowatt. Power exceeding one kilowatt may be employed when the vessel finds it necessary to correspond while more than 300 kilometers distant from the nearest coastal station, or when, owing to obstructions, communication can be established only by means of an increase of power.

3. The service of the station on shipboard shall be carried on by a telegraph operator holding a certificate issued by the Government to which the vessel is subject. Such certificate shall attest the professional efficiency of the operator as regards:

(a) Adjustment of the apparatus;

(b) Transmission and acoustic reception at the rate of not less than 20 words a minute;

(c) Knowledge of the regulations governing the exchange of wireless telegraph correspondence.

4. The certificate shall furthermore state that the Government has bound the operator to secrecy with regard to the correspondence.

VII.

If the management of the wireless telegraph service of a country has knowledge of any infraction of the Convention or of the Regulations committed in any of the stations authorized by it, it shall ascertain the facts and fix the responsibility.

In the case of stations on shipboard, if the operator is responsible for such infraction, the management of the wireless telegraph service shall take the necessary measures and, if the necessity should arise, withdraw the certificate. If it is ascertained that the infraction is the result of the condition of the apparatus or of instructions given the operator, the same method shall be pursued with regard to the license issued to the vessel.

2. In cases of repeated infractions chargeable to the same vessel, if the representations made to the wireless telegraph management of the country to which the vessel is subject by that of another country remain without effect, the latter shall be at liberty, after giving due notice, to authorize its coastal stations not to accept communications proceeding from the vessel at fault. In case of disagreement between the managements of the wireless telegraph service of two countries, the question shall be submitted to arbitration at the request of either of the two Governments at issue. The procedure in such case shall be the same as indicated in Article 18 of the Convention.

2. HOURS OF SERVICE OF COASTAL STATIONS.

VIII.

1. The service of coastal stations shall, as far as possible, be constant, day and night, without interruption.

Certain coastal stations, however, may have a service of limited duration. The management of the wireless telegraph service of each country shall fix the hours of service.

2. The coastal stations whose service is not constant shall not close before having transmitted all their wireless telegrams to the vessels which are within their radius of action, nor before having received from such vessels all the wireless telegrams of which notice has been given. This provision is likewise applicable when vessels signal their presence before the actual cessation of work.

3. FORM AND POSTING OF WIRELESS TELEGRAMS.

IX.

If the route of a wireless telegram is partly over telegraph lines, or through wireless telegraph stations subject to a noncontracting Government, such telegram may be transmitted provided the managements of the wireless telegraph service to which such lines or stations are subject have declared that, if the occasion should arise, they will comply with such provisions of the Convention and of the Regulations as are indispensable to the regular transmission of wireless telegrams and that the payment of charges is insured.

X.

1. Wireless telegrams shall show in the preamble that the service is "wireless" ("radio").

2. In the transmission of wireless telegrams of shipboard stations to coastal stations, the date and hour of posting may be omitted in the preamble.

Upon reforwarding a wireless telegram over the telegraph system, the coastal station shall show thereon its own name as the office of origin, followed by that of the vessel, and shall state, as the hour of posting, the hour when the telegram was received by it.

XI.

The address of wireless telegrams intended for ships at sea shall be as complete as possible. It shall embrace the following:

(a) The name of the addressee, with additional designations if any;

(b) The name of the vessel as it appears in the list, supplemented by her nationality and, if necessary, by her distinguishing signal of the International Code, in case there are several vessels of the same name;

(c) The name of the coastal station as it appears in the list.

4. Rates.

XII.

The coastal rate shall not exceed 60 centimes (11.6 cents) a word, and the shipboard rate shall not exceed 40 centimes (7.7 cents) a word.

A minimum rate per telegram, not to exceed the coastal rate or shipboard rate for a wireless telegram of ten words, may be imposed as coastal or shipboard rate.

XIII.

The country within whose territory a coastal station is established which serves as intermediary for the exchange of wireless telegrams between a station on board ship and another country shall be considered, so far as the application of telegraph rates is concerned, as the country of origin or of destination of such telegrams, and not as the country of transit.

5. Collection of Charges.

XIV.

The total charge for wireless telegrams shall be collected of the sender.

Stations on shipboard shall to that end have the necessary tariffs. They shall be at liberty, however, to obtain information from coastal stations on the subject of rates for wireless telegrams for which they do not possess all the necessary data.

6. Transmission of Wireless Telegrams.

a. SIGNALS OF TRANSMISSION.

XV.

The signals to be employed are those of the Morse International Code.

XVI.

Ships in distress shall use the following signal:

● ● ● ▬ ▬ ▬ ● ● ●

repeated at brief intervals.

As soon as a station perceives the signal of distress it shall cease all correspondence and not resume it until after it has made sure that the correspondence to which the call for assistance has given rise is terminated.

In case the ship in distress adds at the end of the series of her calls the call letters of a particular station the answer to the call shall be incumbent upon that station alone. If the call for assistance does not specify any particular station, every station perceiving such calls shall be bound to answer it.

XVII.

1. The call letters following the letters

● ▬ ▬ ●   ● ▬ ●   ▬ ● ● ●

"P R B" signify that the vessel or station making the call desires to communicate with the station called by means of the International Signal Code.

The combination of the letters P R B as a service signal for any other purpose than that specified above is prohibited.

2. Wireless telegrams may be framed with the aid of the International Signal Code.

Those addressed to a wireless telegraph station with a view to being forwarded by it are not to be translated by such station.

b. ORDER OF TRANSMISSION.

XVIII.

Between two stations wireless telegrams of the same order shall be transmitted one by one, by the two stations alternately, or in series of several telegrams, as the coastal station may indicate, provided the duration of the transmission of each series does not exceed twenty minutes.

c. METHOD OF CALLING WIRELESS STATIONS AND TRANSMISSION OF WIRELESS TELEGRAMS.

XIX.

1. As a general rule, it shall be the shipboard station that calls the coastal station.

2. The call should be made, as a general rule, only when the distance of the vessel from the coastal station is less than 75 per cent of the normal range of the latter.

3. Before proceeding to a call, the station on shipboard shall adjust its receiving apparatus to its maximum sensibility and make sure that the coastal station which it wishes to call up is not in correspondence with any other station. If it finds that any transmission is in progress, it shall wait for the first pause.

4. The shipboard station shall use for calling the normal wave of the coastal station.

5. If in spite of these precautions the public exchange of wireless telegrams is impeded at any place, the call shall cease upon the first request from a coastal station open to public correspondence. The latter station shall in such case indicate the approximate length of time it will be necessary to wait.

XX.

1. The call shall comprise the signal

▬ ● ▬ ● ▬,

the call letters of the station called repeated three times, the word "from" ("de") followed by the call letters of the sending station repeated three times.

2. The called station shall answer by making the signal

▬ ● ▬ ● ▬,

followed by the call letters of the corresponding station repeated three times, the word "from," its own call letters, and the signal

▬ ● ▬.

XXI.

If a station called does not answer the call (Article XX) repeated three times at intervals of two minutes, the call shall not be resumed until after an interval of half an hour, the station issuing the call having first made sure that no wireless telegraph correspondence is in progress.

XXII.

1. As soon as the coastal station has answered, the shipboard station shall make known to it:

(a) The distance of the vessel from the coastal station in nautical miles;
(b) Her true bearing in degrees counted from 0 to 360;
(c) Her true course in degrees counted from 0 to 360;
(d) Her speed in nautical miles;
(e) The number of words she has to transmit.

2. The coastal station shall answer, stating the number of words to be transmitted to the vessel.

3. If the transmission can not take place immediately, the coastal station shall inform the station on shipboard of the approximate length of time that it will be necessary to wait.

XXIII.

When a coastal station receives calls from several shipboard stations, the coastal station shall decide the order in which the shipboard stations shall be admitted to exchange their messages.

In fixing this order the coastal station shall be guided exclusively by the necessity of permitting each station concerned to exchange the greatest possible number of wireless telegrams.

XXIV.

Before beginning the exchange of correspondence the coastal station shall advise the shipboard station whether the transmission is to be effected in the alternate order or by series (Article XVIII); it shall then begin the transmission or follow up the preliminaries with the signal

▬ ● ▬

(invitation to transmit).

XXV.

The transmission of the wireless telegram shall be preceded by the signal

▬ ● ▬ ● ▬

and terminated by the signal

● ▬ ● ▬ ●

followed by the name of the sending station.

XXVI.

When a wireless telegram to be transmitted contains more than 40 words, the sending station shall interrupt the transmission after each series of about 20 words by an interrogation point

● ● ▬ ▬ ● ●

and shall not resume it until after it has obtained from the receiving station a repetition of the last word duly received, followed by an interrogation point.

In the case of transmission by series, acknowledgment of receipt shall be made after each wireless telegram.

XXVII.

1. When the signals become doubtful every possible means shall be resorted to to finish the transmission. To this end the wireless telegram shall be repeated at the request of the receiving station, but not to exceed three times. If in spite of such triple repetition the signals are still unreadable the wireless telegram shall be canceled. If no acknowledgment of receipt is received the transmitting station shall again call up the receiving station. If no reply is made after three calls the transmission shall not be followed up any further.

2. If in the opinion of the receiving station the wireless telegram, although imperfectly received, is nevertheless capable of transmission, said station shall enter the words "reception doubtful" at the end of the preamble and let the wireless telegram follow.

XXVIII.

All stations are bound to carry on the service with as little expense of energy as may be necessary to insure safe communication.

d. ACKNOWLEDGMENT OF RECEIPT AND CONCLUSION OF WORK.

XXIX.

1. Receipt shall be acknowledged in the form prescribed by the International Telegraph Regulations, preceded by the call letters of the transmitting station and followed by those of the receiving station.

2. The conclusion of a correspondence between two stations shall be indicated by each station by means of the signal

● ● ● ▬ ● ▬

followed by its call letters.

e. DIRECTIONS TO BE FOLLOWED IN SENDING WIRELESS TELEGRAMS.

XXX.

1. In general, the shipboard stations shall transmit their wireless telegrams to the nearest coastal station.

2. A sender on board a vessel shall, however, have the right to designate the coastal station through which he desires to have his wireless telegram transmitted.

3. The station on shipboard shall then wait until such coastal station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

7. Delivery of Wireless Telegrams at their Destinition.

XXXI.

When for any cause whatever a wireless telegram proceeding from a vessel at sea can not be delivered to the addressee, a notice of non-delivery shall be issued. Such notice shall be transmitted to the vessel if possible. When a wireless telegram received by a shipboard station can not be delivered, the station shall notify the office of origin by official notice. Such notice shall be transmitted, whenever practicable, to the coastal station through which the wireless telegram has passed in transit; otherwise, to the nearest coastal station.

XXXII.

If the ship for which a wireless telegram is intended has not signalled her presence to the coastal station within the period designated by the sender, or, in the absence of such designation, by the morning of the 29th day following, the coastal station shall notify the sender.

The latter shall have the right to ask, by a paid official notice, sent by either telegraph or mail and addressed to the coastal station, that his wireless telegram be held for a further period of 30 days for transmission to the vessel, and so on. In the absence of such request the wireless telegram shall be put aside as not transmissible at the end of the 30th day (exclusive of the day of posting).

If, however, the coastal station has positive information that the vessel has left its radius of action before it has been able to transmit to her the wireless message, such station shall so notify the sender.

8. Special Telegrams.

XXXIII.

The following telegrams shall not be accepted for transmission:

(a) Telegrams with answer prepaid;

(b) Money order telegrams;

(c) Telegrams calling for repetition of message (for purposes of verification);

(d) Telegrams calling for acknowledgment of receipt;

(e) Telegrams to be forwarded (if addressee is not found at the address given);

(f) Paid service telegrams, except in so far as transmission over the lines of the telegraph system is concerned;

(g) Urgent telegrams, except in so far as transmission over the lines of the telegraph system is concerned, subject to the application of the provisions of the International Telegraph Regulations;

(h) Telegrams to be delivered by express or mail.

9. Files.

XXXIV.

The originals of wireless telegrams and the documents relating thereto retained by the managements of the wireless telegraph service or by private enterprises shall be kept for a period of at least twelve months beginning with the month following that of the posting of the wireless telegram, with all the necessary precautions as regards secrecy.

Such originals and documents shall, as far as practicable, be sent at least once a month by the shipboard stations to the management of the wireless telegraph service to which they are subject.

10. Rebates and Reimbursements.

XXXV.

1. With regard to rebates and reimbursements, the provisions of the International Telegraph Regulations shall be applicable, taking into account the restrictions specified in Article XXXIII of the present Regulations and subject to the following reservations:

The time employed in the transmission of wireless telegrams and the time that wireless telegrams remain in a coastal station or station on shipboard shall not be counted as delays as regards rebates or reimbursements.

Reimbursements shall be borne by the different managements of the wireless telegraph service or private enterprises which have taken part in the transmission of the wireless telegram, each management or private enterprise relinquishing its share of the rate. Wireless telegrams to which articles 7 and 8 of the Convention of St. Petersburg are applicable shall remain subject, however, to the provisions of the International Telegraph Regulations, except when the acceptance of such telegrams is the result of an error made by the telegraph service.

2. When the acknowledgment of receipt of a wireless telegram has not reached the station which has transmitted the telegram, the charges shall be refunded only if the fact has been established that the wireless telegram is entitled to reimbursement.

11. ACCOUNTS AND PAYMENT OF CHARGES.

XXXVI.

1. The coastal and shipboard charges shall not enter into the accounts provided for by the International Telegraph Regulations.

The accounts regarding such charges shall be liquidated by the managements of the wireless telegraph service of the countries concerned. They shall be drawn up by the wireless telegraph management to which the coastal stations are subject, and communicated by them to the wireless telegraph managements concerned.

2. For transmission over the lines of the telegraph system wireless telegrams shall be treated, so far as the payment of rates is concerned, in conformity with the International Telegraph Regulations.

3. For wireless telegrams proceeding from ships, the wireless telegraph management to which the shipboard station is subject shall be charged by the wireless telegraph management to which the coastal station is subject with the coastal and ordinary telegraph rates charged on board of vessels.

For wireless telegrams intended for ships, the wireless telegraph management which has collected the fees shall be charged directly by the wireless telegraph management to which the coastal station is subject with the coastal and shipboard rates. The latter shall credit the wireless telegraph management to which the vessel is subject with the shipboard rate.

In case the wireless telegraph management which has collected the charges is the same, however, as the one to which the shipboard station is subject, the shipboard rate shall not be charged by the wireless telegraph management to which the coastal station is subject.

4. The monthly accounts serving as a basis for the special accounts of wireless telegrams shall be made out for each telegram separately with all the necessary data within a period of six months from the month to which they refer.

5. The Governments reserve the right to enter into special agreements among themselves and with private enterprises (parties operating wireless telegraph stations, shipping companies, etc.) with a view of adopting other provisions with regard to accounts.

12. INTERNATIONAL BUREAU.

XXXVII.

The International Bureau of Telegraphs shall be entrusted with the duties specified in Article 13 of the Convention, subject to the consent of the Government of the Swiss Federation and the approval of the Telegraph Union.

The additional expenses resulting from the work of the International Bureau so far as wireless telegraphy is concerned shall not exceed 40,000 francs a year, exclusive of the special expenses arising from the convening of the International Conference.

These expenses shall form the subject of a special account, and the provisions of the International Telegraph Regulations shall be applicable to them. Before the convening of the next Conference, however, each contracting Government shall notify the International Bureau of the class in which it desires to be entered.

XXXVIII.

The management of the wireless telegraph service of the different countries shall forward to the International Bureau a table in conformity with the annexed blank, containing the data enumerated in said table for stations such as referred to in Article IV of the regulations. Changes occurring and additional data shall be forwarded by the wireless telegraph managements to the International Bureau between the 1st and 10th day of each month. With the aid of such data the International Bureau shall draw up a list which it shall keep up to date. The list and the supplements thereto shall be printed and distributed to the wireless telegraph managements of the countries concerned; they may also be sold to the public at the cost price.

The International Bureau shall see to it that the same call letters for several wireless telegraph stations shall not be adopted.

13. MISCELLANEOUS PROVISIONS.

XXXIX.

The managements of the wireless telegraph service shall give to agencies of maritime information such data regarding losses and casualties at sea or other information of general interest to navigation, as the coastal stations may properly report.

XL.

The exchange of correspondence between shipboard stations such as referred to in Article 1 of the Convention shall be carried on in such a manner as not to interfere with the service of the coastal stations, the latter, as a general rule, being accorded the right of priority for the public service.

XLI.

1. In the absence of special agreements between the parties concerned, the provisions of the present Regulations shall be applicable

analogously to the exchange of wireless telegrams between two vessels at sea, subject to the following exceptions:

(a) To Article XIV. The shipboard rate falling to the transmitting ship shall be collected from the sender, and that falling to the receiving ship shall be collected from the addressee;

(b) To Article XVIII. The order of transmission shall be regulated in each case by mutual agreement between the corresponding stations.

(c) To Article XXXVI. The rates for the wireless telegrams in question shall not enter into the accounts provided for in that article, such charges falling to the wireless telegraph managements which have collected them.

2. Retransmission of wireless telegrams exchanged between vessels at sea shall be subject to special agreements between the parties concerned.

XLII.

The provisions of the International Telegraph Regulations shall be applicable analogously to wireless telegraph correspondence in so far as they are not contrary to the provisions of the present regulations.

In conformity with Article 11 of the Convention of Berlin, these Regulations shall go into effect on the first day of July, 1908.

In witness whereof the respective plenipotentiaries have signed one copy of the present Regulations, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany: Kraetke, Sydow. For United States: Charlemagne Tower, H. N. Manney, James Allen, John I. Waterbury. For Argentina: J. Olmi. For Austria: Barth, Fries. For Hungary: Pierre de Szalay, Dr. de Hennyey, Hollós. For Belgium: F. Delarge, E. Buels. For Brazil: Cesar de Campos. For Bulgaria: Iv. Stoyanovitch. For Chile: J. Muñoz, J. Mery. For Denmark: N. R. Meyer, I. A. Voehtz. For Spain: Ignacio Murcia, Ramón Estrada, Rafael Rávena, Isidro Calvo, Manuel Noriéga, Antonio Peláez-Campomanes. For France: J. Bordelongue, L. Gaschard, Boulanger, A. Devos. For Great Britain: H. Babington Smith, A. E. Bethell, R. L. Hippisley. For Greece: T. Argyropoulos. For Italy: J. Colombo. For Japan: Osuke Asano, Rokure Yashiro, Shunkichi Kimura, Ziro Tanaka, Saburo Hyakutake. For Mexico: José M. Pérez. For Monaco: J. Depelley. For Norway: Heftye, O. T. Eidem. For Netherlands: Kruÿt, Perk, Hoven. For Persia: Hovhannès Khan. For Portugal: Paulo Benjamin Cabral. For Roumania: Gr. Cerkez. For Russia: A. Eichholz, A. Euler, Victor Bilibine, A. Remmert, W. Kédrine. For Sweden: Herman Rydin, A. Hamilton. For Turkey: Nazif Bey. For Uruguay: F. A. Costanzo.

Descriptive list of wireless telegraph stations.

[Supplement to Article XXXVIII of the Regulations.]

Wireless telegraph management of.................

(a) COASTAL STATIONS.

Name.	Nationality.	Geographical location.	Call letters.	Normal range.	Wireless telegraph system.	Class of receiving apparatus (recording, acoustic, or other apparatus).	Wave lengths (the normal wave length to be underscored).	Nature of service furnished by station.	Hours during which station is open (indicating meridian to which they refer).	Coastal rate, stating minimum rate.	Remarks.

(b) SHIPBOARD STATIONS.

Name.	Nationality.	Distinguishing signal of the international code of signals.	Name of home port.	Call letters.	Normal range.	Wireless telegraph system.	Class of receiving apparatus (recording, acoustic, or other apparatus).	Wave lengths (the normal wave length to be underscored).	Nature of service furnished by station.	Hours during which station is open.	Shipboard rate, stating minimum rate.	Remarks.
(1) War vessels.												
(2) Merchant vessels.												

Extract from the International Telegraph Convention, signed at St. Petersburg, July 10/22, 1875.

[See Article 17 of the convention.]

ARTICLE 1.

The High Contracting Parties concede to all persons the right to correspond by means of the international telegraphs

ARTICLE 2.

They bind themselves to take all the necessary measures for the purpose of insuring the secrecy of the correspondence and its safe transmission.

ARTICLE 3.

They declare, nevertheless, that they accept no responsibility as regards the international telegraph service.

ARTICLE 5.

Telegrams are classed in three categories:

1. State telegrams: those emanating from the Head of the Nation, the Ministers, the Commanders-in-Chief of the Army and Naval forces, and the Diplomatic or Consular Agents of the Contracting Governments, as well as the answers to such telegrams.
2. Service telegrams: those which emanate from the Managements of the Telegraph Service of the Contracting States and which relate either to the international telegraph service or to subjects of public interest determined jointly by such Managements.
3. Private telegrams.

In the transmission, the State telegrams shall have precedence over other telegrams.

ARTICLE 6.

State telegrams and service telegrams may be issued in secret language, in any communications.

Private telegrams may be exchanged in secret language between two States which admit of this mode of correspondence.

The States which do not admit of private telegrams in secret language upon the expedition or arrival of the same, shall allow them to pass in transit, except in the case of suspension defined in article 8.

ARTICLE 7.

The High Contracting Parties reserve the right to stop the transmission of any private telegram which may appear dangerous to the safety of the State, or which may be contrary to the laws of the country, to public order or good morals.

ARTICLE 8.

Each Government also reserves the right to suspend the international telegraph service for an indefinite period, if deemed necessary by it, either generally, or only over certain lines and for certain classes of correspondence, of which such Government shall immediately notify all the other Contracting Governments.

ARTICLE 11.

Telegrams relating to the international telegraph service of the Contracting States shall be transmitted free of charge over the entire systems of such States.

ARTICLE 12.

The High Contracting Parties shall render accounts to one another of the charges collected by each of them.

ARTICLE 17.

The High Contracting Parties reserve respectively the right to enter among themselves into special arrangements of any kind with regard to points of the service which do not interest the States generally.

GREAT BRITAIN.

PANAMA CANAL TOLLS. EXEMPTION OF VESSELS IN THE COASTWISE TRADE OF THE UNITED STATES FROM PAYMENT OF TOLLS, AND OTHER FEATURES OF THE PANAMA CANAL ACT OF AUGUST 24, 1912. OBJECTIONS THERETO OF THE BRITISH GOVERNMENT.

File No. 811f.812/296.

The President to Congress.

[Extract from the Message on the financial condition of the Treasury, needed banking and currency reforms, and departmental questions; communicated to Congress December 21, 1911; committed to the Committee of the Whole House on the state of the Union, December 21, 1911; printed as House Document No. 343, 62d Congress, 2d Session.]

THE PANAMA CANAL.

The very satisfactory progress made on the Panama Canal last year has continued, and there is every reason to believe that the canal will be completed as early as the 1st of July, 1913, unless something unforeseen occurs. This is about 18 months before the time promised by the engineers.

We are now near enough the completion of the canal to make it imperatively necessary that legislation should be enacted to fix the method by which the canal shall be maintained and controlled and the zone governed. The fact is that to-day there is no statutory law by authority of which the President is maintaining the government of the zone. Such authority was given in an amendment to the Spooner Act, which expired by the terms of its own limitation some years ago. Since that time the government has continued, under the advice of the Attorney General that in the absence of action by Congress there is necessarily an implied authority on the part of the Executive to maintain a government in a territory in which he has to see that the laws are executed. The fact that we have been able thus to get along during the important days of construction without legislation expressly formulating the government of the zone, or delegating the creation of it to the President, is not a reason for supposing that we may continue the same kind of a government after the construction is finished. The implied authority of the President to maintain a civil government in the zone may be derived from the mandatory direction given him in the original Spooner Act, by which he was commanded to build the canal; but certainly, now that the canal is about to be completed and to be put under a permanent management, there ought to be specific statutory authority for its regulation and control and for the government of the zone, which we hold for the chief and main purpose of operating the canal.

I fully concur with the Secretary of War that the problem is simply the management of a great public work, and not the government of a local republic; that every provision must be directed toward the successful maintenance of the canal as an avenue of commerce, and that all provisions for the government of those who live within the zone should be subordinate to the main purpose.

The zone is 40 miles long and 10 miles wide. Now, it has a population of 50,000 or 60,000, but as soon as the work of construction is completed, the towns which make up this population will be deserted, and only comparatively few natives will continue their residence there. The control of them ought to approximate a military government. One judge and two justices of the peace will be sufficient to attend to all the judicial and litigated business there is. With a few fundamental laws of Congress, the zone should be governed by the orders of the President, issued through the War Department, as it is to-day. Provisions can be made for the guaranties of life, liberty, and property, but beyond those, the government should be that of a military reservation, managed in connection with this great highway of trade.

FURNISHING SUPPLIES AND REPAIRS.

In my last annual message I discussed at length the reasons for the Government's assuming the task of furnishing to all ships that use the canal, whether our own naval vessels or others, the supplies of coal and oil and other necessities with which they must be replenished either before or after passing through the canal, together with the dock facilities and repairs of every character. This it is thought wise to do through the Government, because the Government must establish for itself, for its own naval vessels, large depots and dry docks and warehouses, and these may easily be enlarged so as to secure to the world public using the canal reasonable prices and a certainty that there will be no discrimination between those who wish to avail themselves of such facilities.

TOLLS.

I renew my recommendation with respect to the tolls of the canal that, within limits which shall seem wise to Congress, the power of fixing tolls be given to the President. In order to arrive at a proper conclusion, there must be some experimenting, and this can not be done if Congress does not delegate the power to one who can act expeditiously.

POWER EXISTS TO RELIEVE AMERICAN SHIPPING.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coast could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores closer together as a practical trade problem. It may be that the tolls will have to be wholly remitted. I do not think this is the best principle, because I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal, and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

File No. 811f.812/300.

The British Chargé d'Affaires to the Secretary of State.

BRITISH EMBASSY,
Kineo, Maine, July 8, 1912.

SIR: The attention of His Majesty's Government has been called to the various proposals that have from time to time been made for the purpose of relieving American shipping from the burden of the tolls to be levied on vessels passing through the Panama Canal, and these proposals together with the arguments that have been used to support them have been carefully considered with a view to the bearing on them of the provisions of the treaty between the United States and Great Britain of November 18th, 1901.

The proposals may be summed up as follows:—

(1). To exempt all American shipping from the tolls.

(2). To refund to all American ships the tolls which they may have paid.

(3). To exempt American ships engaged in the coastwise trade.

(4). To repay the tolls to American ships engaged in the coastwise trade.

The proposal to exempt all American shipping from the payment of the tolls, would, in the opinion of His Majesty's Government, involve an infraction of the treaty, nor is there, in their opinion any difference in principle between charging tolls only to refund them and remitting tolls altogether. The result is the same in either case, and the adoption of the alternative method of refunding the tolls in preference to that of remitting them, while perhaps complying with the letter of the treaty, would still contravene its spirit.

It has been argued that a refund of the tolls would merely be equivalent to a subsidy and that there is nothing in the Hay-Pauncefote treaty which limits the right of the United States to subsidise its shipping. It is true that there is nothing in that treaty to prevent the United States from subsidising its shipping and if it granted a subsidy His Majesty's Government could not be in a position to complain. But there is a great distinction between a general subsidy, either to shipping at large or to shipping engaged in any given trade, and a subsidy calculated particularly with reference to the amount of user of the Canal by the subsidised lines or vessels. If such a subsidy were granted it would not, in the opinion of His Majesty's Government, be in accordance with the obligations of the treaty.

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona-fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken. But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping and consequently in an infraction of the treaty.

I have [etc.]

A. MITCHELL INNES.

File No. 811f.812/304.]

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
No. 1032. *London, July 15, 1912.*

At Sir Edward Grey's request I called at the Foreign Office today to converse with him about the Panama Canal. Sir Edward presented three points as follows:

In helping to get the Clayton-Bulwer Treaty out of the way, and in negotiating the Hay-Pauncefote Treaty, Great Britain has shown the friendliest feeling toward the United States.

Later on, by assenting to our fortification of the canal, she tried to render us a genuine service.

Great Britain, in doing this, was relying entirely upon what she considered to be the unequivocal pledge of the United States to manage the canal without discrimination in favor of any nation, not even of itself.

But the reported action seemed to Sir Edward to propose a distinct violation of that treaty pledge.

Furthermore, he called my attention to what he termed an invidious discrimination against important Canadian interests involved in the proposal to exclude from the privileges of the canal the steamships owned by railway companies.

The British Government, he said, did not wish to seem premature, but were unwilling to give ground for an assertion that their silence had been taken for consent.

After explaining that I was without instructions on the subject, and derived all I knew about it from cable despatches, I said that there were a few points worthy to be considered, it seemed to me, before taking definite position.

First, there was no probability that, if the United States had not taken up the construction of the Panama Canal, any other nation would have taken it up. The French effort to construct the canal had been a failure, and if an effort by any other nation had been made with seeming promise of success, invocation of the Monroe

Doctrine against it would probably have been insisted on by the people of the United States. The United States, having practically no merchant marine, was the one great commercial nation which had no immediate means of using the canal to its profit.

I also thought that in view of the changes in sovereignty and the subsequent perpetual lease by the United States of the whole canal zone, there were publicists who questioned whether the Hay-Pauncefote Treaty could now be equitably, or even legally, applied to the full extent of its language.

Finally I observed that the investment already made and sure to be made before the canal could be opened was too colossal to justify any nation in supposing that the United States was making it from purely philanthropic motives; thus from the outset it must have been assumed that the United States saw some means of deriving from the investment a benefit for itself.

Sir Edward replied to these remarks that,

If great commercial nations other than the United States were the only ones to make much use of the canal, they would consequently be the only ones paying the tolls that would give us the interest on our investments;

The United States would surely derive a direct advantage from the facility with which we could transfer our naval supremacy from one coast to the other, even if we had no merchant ships whatever.

I made it perfectly clear that my remarks were purely personal and unofficial, but that I should report to you our conversation.

Reid.

Panama Canal Act: "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone." (Signed by the President August 24, 1912.)[1]

[Sections 5 and 11.]

Sec. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. That section forty-one hundred and thirty-two of the Revised Statutes is hereby amended to read as follows:

"Sec. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine

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[1] H. R. 21969.

Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this Act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section thirty-seven of the Act approved August fifth, nineteen hundred and nine, entitled 'An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the Act of March third, eighteen hundred and ninety-one, entitled 'An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said Act."

Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed one dollar and twenty-five cents per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal subject, however, to the provisions of article nineteen of the convention between the United States and the Republic of Panama, entered into November eighteenth, nineteen hundred and three. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of one dollar and twenty-five cents per net registered ton as nearly as the same may be determined, nor be less than the equivalent of seventy-five cents per net registered ton. The toll for each passenger shall not be more than one dollar and fifty cents. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

[The remainder of this section concerns the payment of claims for damages for injury to vessels, cargo or passengers from passage through the canal.]

SEC. 11. That section five of the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the first day of July, nineteen hundred and fourteen, it shall be unlawful for any railroad company or other common carrier subject to the Act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July first, nineteen hundred and fourteen. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July first, nineteen hundred and fourteen, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the Act of Congress approved July second, eighteen hundred and ninety, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections seventy-three to seventy-seven, both inclusive, of an Act approved August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other Act of Congress amending or supplementing the said Act of July second, eighteen hundred and ninety, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the Act of August twenty-seventh, eighteen hundred and ninety-four. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section six of said Act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the Act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the Act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section fifteen of the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

The President to Congress.

[Memorandum to accompany the Panama Canal Act.]

In signing the Panama Canal Bill, I wish to leave this memorandum. The bill is admirably drawn for the purpose of securing the proper maintenance, operation and control of the Canal, and the government of the Canal Zone, and for the furnishing to all the patrons of the canal, through the Government, of the requisite docking facilities and the supply of coal and other shipping necessities. It is absolutely necessary to have the bill passed at this session in order that the capital of the world engaged in the preparation of ships to use the canal may know in advance the conditions under which the traffic is to be carried on through this waterway.

I wish to consider the objections to the bill in the order of their importance.

1. The bill is objected to because it is said to violate the Hay-Pauncefote Treaty in discriminating in favor of the coastwise trade of the United States by providing that no tolls shall be charged to vessels engaged in that trade passing through the canal. This is the subject of a protest by the British Government.[1]

The British protest involves the right of the Congress of the United States to regulate its domestic and foreign commerce in such manner as to the Congress may seem wise, and specifically the protest challenges the right of the Congress to exempt American shipping from the payment of tolls for the use of the Panama Canal or to refund to such American ships the tolls which they may have paid, and this without regard to the trade in which such ships are employed, whether coastwise or foreign. The protest states "the proposal to exempt all American shipping from the payment of the tolls would, in the opinion of His Majesty's Government, involve an infraction of the treaty (Hay-Pauncefote), nor is there, in their opinion, any difference in principle between charging tolls only to refund them and remitting tolls altogether. The result is the same in either case, and the adoption of the alternative method of refunding tolls in preference of remitting them, while perhaps complying with the letter of the treaty, would still controvert[1] its spirit." The provision of the Hay-Pauncefote Treaty involved is contained in article 3, which provides:

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[1] See the British note of July 8.

> The United States adopts, as the basis of the neutralisation of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:
>
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects. In respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Then follows five other rules to be observed by other nations to make neutralisation effective, the observance of which is the condition for the privilege of using the canal.

In view of the fact that the Panama Canal is being constructed by the United States wholly at its own cost, upon territory ceded to it by the Republic of Panama for that purpose, and that unless it has restricted itself the United States enjoys absolute rights of ownership and control, including the right to allow its own commerce the use of the canal upon such terms as it sees fit, the sole question is, Has the United States in the language above quoted from the Hay-Pauncefote Treaty deprived itself of the exercise of the right to pass its own commerce free or to remit tolls collected for the use of the canal?

It will be observed that the rules specified in Article 3 of the treaty were adopted by the United States for a specific purpose, namely, as the basis of the neutralization of the canal and for no other purpose. The Article is a declaration of the policy by the United States that the canal shall be neutral, that the attitude of this Government towards the commerce of the world is that all nations will be treated alike and no discrimination made by the United States against any one of them observing the rules adopted by the United States. The right to the use of the canal and to equality of treatment in the use depends upon the observance of the conditions of the use by the nations to whom we extended that privilege. The privileges of all nations to whom we extended the use upon the observance of these conditions were to be equal to that extended to any one of them which observed the conditions. In other words, it was a conditional favored nation treatment, the measure of which in the absence of express stipulation to that effect, is not what the country gives to its own nationals, but the treatment it exends to other nations.

Thus it is seen that the rules are but a basis of neutralization, intended to effect the neutrality which the United States was willing should be the character of the canal and not intended to limit or hamper the United States in the exercise of its sovereign power to deal with its own commerce using its own canal in whatsoever manner it saw fit.

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[1] The copy on file says "contravene."

If there is no "difference in principle between the United States charging tolls to its own shipping only to refund them and remitting tolls altogether," as the British protest declares, then the irresistible conclusion is that the United States, although it owns, controls and has paid for the canal is restricted by treaty from aiding its own commerce in the way that all the other nations of the world may freely do. It would scarcely be claimed that the setting out in a treaty between the United States and Great Britain of certain rules adopted by the United States as the basis of the neutralization of the canal would bind any government to do or refrain from doing anything other than the things required by the rules to insure the privilege of use and freedom from discrimination. Since the rules do not provide as a condition for the privilege of use upon equal terms with other nations that other nations desiring to build up a particular trade involving the use of the canal shall not either directly agree to pay the tolls or to refund to its ships the tolls collected for the use of the canal, it is evident that the treaty does not affect that inherent, sovereign right, unless, which is not likely, it be claimed that the promulgation by the United States of these rules insuring all nations against its discrimination, would authorize the United States to pass upon the action of other nations and require that no one of them should grant to its shipping larger subsidies or more liberal inducement for the use of the canal than were granted by others. In other words, that the United States has the power to equalize the practice of other nations in this regard.

If it is correct then to assume that there is nothing in the Hay-Pauncefote Treaty preventing Great Britain and the other nations from extending such favors as they may see fit to their shipping using the canal, and doing it in the way they see fit, and if it is also right to assume that there is nothing in the treaty that gives the United States any supervision over, or right to complain of such action, then the British protest leads to the absurd conclusion that this Government in constructing the canal, maintaining the canal, and defending the canal, finds itself shorn of its right to deal with its own commerce in its own way, while all other nations using the canal in competition with American commerce enjoys that right and power unimpaired.

The British protest, therefore, is a proposal to read into the treaty a surrender by the United States of its right to regulate its own commerce in its own way and by its own methods, a right which neither Great Britain herself, nor any other nation that may use the canal, has surrendered or proposes to surrender. The surrender of this right is not claimed to be in terms. It is only to be inferred from the fact that the United States has conditionally granted to all the nations the use of the canal without discrimination by the United States between the grantees; but as the treaty leaves all nations desiring to use the canal with full right to deal with their own vessels as they see fit, the United States would only be discriminating against itself if it were to recognize the soundness of the British contention.

The bill here in question does not positively do more than to discriminate in favor of the coastwise trade, and the British protest seems to recognize a distinction between such exemption and the exemption of American vessels engaged in foreign trade. In effect, of course, there is a substantial and practical difference. The American vessels in foreign trade come into competition with vessels of other nations in that same trade, while foreign vessels are forbidden to engage in the American coastwise trade. While the bill here in question seems to vest the President with discretion to discriminate in fixing tolls in favor of American ships and against foreign ships engaged in foreign trade, within the limitation of the range from 50 cents a ton to $1.25 a net ton, there is nothing in the act to compel the President to make such a discrimination. It is not, therefore, necessary to discuss the policy of such discrimination until the question may arise in the exercise of the President's discretion.

The policy of exempting the coastwise trade from all tolls really involves the question of granting a Government subsidy for the purpose of encouraging that trade in competition with the trade of the transcontinental railroads. I approve this policy. It is in accord with the historical course of the Government in giving Government aid to the construction of the transcontinental roads. It is now merely giving Government aid to a means of transportation that competes with those transcontinental roads.

2. The bill permits the registry of foreign-built vessels as vessels of the United States for foreign trade, and it also permits the admission without duty of materials for the construction and repair of vessels in the United States. This is objected to on the ground that it will interfere with the shipbuilding interests of the United States. I cannot concur in this view. The number of vessels of the United States engaged in foreign trade is so small that the work done by the present shipyards is almost wholly that of constructing vessels for the coastwise trade or Government vessels. In other words, there is substantially no business for building ships in the foreign trade in the shipyards of the United States which will be injured by this new provision. It is hoped that this registry of foreign-built ships in American foreign trades will prove to be a method of increasing our foreign shipping. The experiment will hurt no interest of ours, and we can observe its operation. If it proves to extend our commercial flag to the high seas, it will supply a long-felt want.

3. Section 5 of the Interstate Commerce Act is amended by forbidding railroad companies to own, lease, operate, control, or have any interest in any common carrier by water operated through the Panama Canal with which such railroad or other carrier does or may compete for traffic. I have twice recommended such restriction as to the Panama Canal. It was urged upon me that the Interstate Commerce Commission might control the trade so as to prevent an abuse from the joint ownership of railroads and of Panama steamships competing with each other, and therefore that this radical provision was not necessary. Conference with the Interstate Commerce Commission, however, satisfied me that such control would not be as effective as this restriction. The difficulty is that the interest of the railroad company is so much larger in its railroad and in the maintenance of its railroad rates than in making a profit out of the steamship line that it can afford temporarily to run its vessels for nearly nothing in order to drive out of the business independent steamship lines, and thus obtain complete control of the shipping in

the trade through the canal and regulate the rates according to the interest of the railroad company. Jurisdiction is conferred on the Interstate Commerce Commission finally to determine the question of fact as to the competition or possibility of competition of the water carrier with the railroad, and this may be done in advance of any investment of capital.

4. The effect of the amendment of section 5 of the Interstate Commerce Act also is extended so as to make it unlawful for railroad companies owning or controlling lines of steamships in any other part of the jurisdiction of the United States to continue to do so, and as to such railroad companies and such water carriers the Interstate Commerce Commission is given the duty and power not only finally to determine the question of competition or possibility of competition, but also to determine "that the specified service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration"; and, if it finds this to be the case, to extend the time during which such service by water may continue beyond the date fixed in the act for its first operation— to wit, July 1, 1914. Whenever the time is extended, then the water carrier, its rates and schedules and practices are brought within the control of the Interstate Commerce Commission. How far it is within the power of Congress to delegate to the Interstate Commerce Commission such wide discretion it is unnecessary now to discuss. There is ample time between now and the time of this provision of the act's going into effect to have the matter examined by the Supreme Court, or to change the form of the legislation, should it be deemed necessary. Certainly the suggested invalidity of this section, if true, would not invalidate the entire act, the remainder of which may well stand without regard to this provision.

5. The final objection is to a provision which prevents the owner of any steamship who is guilty of violating the anti-trust law from using the canal. It is quite evident that this section applies only to those vessels engaged in the trade in which there is a monopoly contrary to our Federal statute, and it is a mere injunctive process against the continuance of such monopolistic trade. It adds the penalty of denying the use of the canal to a person or corporation violating the anti-trust law. It may have some practical operation where the business monopolized is transportation by ships, but it does not become operative to prevent the use of the canal until the decree of the court shall have established the fact of the guilt of the owner of the vessel. While the penalties of the anti-trust law seem to me to be quite sufficient already, I do not know that this new remedy against a particular kind of a trust may not sometimes prove useful.

In a message[1] sent to Congress after this bill had passed both Houses I ventured to suggest a possible amendment by which all persons, and especially all British subjects who felt aggrieved by the provisions of the bill on the ground that they are in violation of the Hay-Pauncefote Treaty, might try that question in the Supreme Court of the United States. I think this would have satisfied those who oppose the view which Congress evidently entertains of the treaty and might avoid the necessity for either diplomatic negotiation or further decision by an arbitral tribunal. Congress, however, has not thought it wise to accept the suggestion, and therefore I must proceed in the view which I have expressed, and am convinced is the correct one, as to the proper construction of the treaty and the limitations which it imposes upon the United States. I do not find that the bill here in question violates those limitations.

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[1] Message of Aug. 19, 1912; printed as House Doc. No. 914, 62d Cong., 2d sess.; not in this volume.

On the whole, I believe the bill to be one of the most beneficial that has passed this or any other Congress, and I find no reason in the objections made to the bill which would lead me to delay, until another session of Congress, provisions that are imperatively needed now in order that due preparation by the world may be made for the opening of the canal.

WM. H. TAFT.

THE WHITE HOUSE, *August 24, 1912.*

File No. 811f.812/320.

The British Chargé d'Affaires to the Secretary of State.

BRITISH EMBASSY,
Washington, August 27, 1912.

SIR: On the 8th July I had the honour to present to the Government of the United States the views of His Majesty's Government on certain proposals which had been formulated with the object of relieving United States ships using the Panama Canal from the payment of tolls, while levying such tolls on foreign ships.

In view of the bill which has now been passed, and of the memorandum issued by the President on signing it, I am instructed to inform you that His Majesty's Government adhere to the views expressed in that note, and that when His Majesty's Government have had time to consider fully the act and the memorandum a further communication will be made to you on the subject.

I am instructed to add at the same time that should there eventually be a difference between the two countries as to the correct interpretation of the Hay-Pauncefote Treaty which cannot be settled by other means, His Majesty's Government would then ask that it should be referred to arbitration in accordance with the provisions of the existing arbitration treaty concluded in 1908.

I have [etc.]

A. MITCHELL INNES.

File No. 811f.812/320.

The Assistant Secretary of State to the British Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, August 30, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 27th instant in further expression of the views of His Britannic Majesty's Government concerning the relieving of American vessels using the Panama Canal from the payment of tolls.

Due note has been taken of the information which you communicate by instruction of your Government that His Majesty's Government adhere to the views expressed in your note of the 8th ultimo and that when His Majesty's Government has had time to consider fully the Act and the memorandum issued by the President upon signing the Act a further communication will be made to this Government on the subject.

I have [etc.]

HUNTINGTON WILSON.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

I, WILLIAM HOWARD TAFT, President of the United States of America, by virtue of the power and authority vested in me by the Act of Congress, approved August twenty-fourth, nineteen hundred and twelve, to provide for the opening, maintenance, protection and operation of the Panama Canal and the sanitation and government of the Canal Zone, do hereby prescribe and proclaim the following rates of toll to be paid by vessels using the Panama Canal:

1. On merchant vessels carrying passengers or cargo one dollar and twenty cents ($1.20) per net vessel ton—each one hundred (100) cubic feet—of actual earning capacity.
2. On vessels in ballast without passengers or cargo forty (40) percent less than the rate of tolls for vessels with passengers or cargo.
3. Upon naval vessels, other than transports, colliers, hospital ships and supply ships, fifty (50) cents per displacement ton.
4. Upon army and navy transports, colliers, hospital ships and supply ships one dollar and twenty cents ($1.20) per net ton, the vessels to be measured by the same rules as are employed in determining the net tonnage of merchant vessels.

The Secretary of War will prepare and prescribe such rules for the measurement of vessels and such regulations as may be necessary and proper to carry this proclamation into full force and effect.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this thirteenth day of November in the year of our Lord one thousand nine hundred and [SEAL.] twelve and of the independence of the United States the one hundred and thirty-seventh.

WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.

File No. 811f.812/355.

The Secretary of State for Foreign Affairs of Great Britain to the British Ambassador.

[Handed to the Secretary of State by the British Ambassador December 9, 1912.]

FOREIGN OFFICE, *November 14, 1912.*

SIR: Your excellency will remember that on the 8th July, 1912, Mr. Mitchell Innes communicated to the Secretary of State the objections which His Majesty's Government entertained to the legislation relating to the Panama Canal, which was then under discussion in Congress, and that on the 27th August, after the passing of the Panama Canal Act and the issue of the President's memorandum on signing it, he informed Mr. Knox that when His Majesty's Government had had time to consider fully the Act and the memorandum a further communication would be made to him.

Since that date the text of the Act and the memorandum of the President have received attentive consideration at the hands of His Majesty's Government. A careful study of the President's memorandum has convinced me that he has not fully appreciated the British point of view, and has misunderstood Mr. Michell Innes' note of the 8th July. The President argues upon the assumption that it is the intention of His Majesty's Government to place upon the Hay-Pauncefote treaty an interpretation which would prevent the United States from granting subsidies to their own shipping passing through the Canal, and which would place them at a disadvantage as compared with other nations. This is not the case; His Majesty's Government regard equality of all nations as the fundamental principle underlying the treaty of 1901 in the same way that it was the basis of the Suez Canal Convention of 1888, and they do not seek to deprive the United States of any liberty which is open either to themselves or to any other nation; nor do they find either in the letter or in the spirit of the Hay-Pauncefote treaty any surrender by either of the contracting Powers of the right to encourage its shipping or its commerce by such subsidies as it may deem expedient.

The terms of the President's memorandum render it essential that I should explain in some detail the view which His Majesty's Government take as to what is the proper interpretation of the treaty, so as to indicate the limitations which they consider it imposes upon the freedom of action of the United States, and the points in which the Panama Canal Act, as enacted, infringes what His Majesty's Government hold to be their treaty rights.

The Hay-Pauncefote Treaty does not stand alone; it was the corollary of the Clayton-Bulwer Treaty of 1850. The earlier treaty was, no doubt, superseded by it, but its general principle, as embodied in article 8, was not to be impaired. The object of the later treaty is clearly shown by its preamble; it was "to facilitate the construction of a ship canal to connect the Atlantic and Pacific oceans by whatever route may be deemed expedient, and to that end to remove any objection which may arise out of the Clayton-Bulwer Treaty to the construction of such canal under the auspices of the Government of the United States, without impairing the general principle of neutralisation established in article 8 of that convention." It was upon that footing, and upon that footing alone, that the Clayton-Bulwer Treaty was superseded.

Under that treaty both parties had agreed not to obtain any exclusive control over the contemplated ship canal, but the importance of the great project was fully recognised, and therefore the construction of the canal by others was to be encouraged, and the canal when completed was to enjoy a special measure of protection on the part of both the contracting parties.

Under article 8 the two Powers declared their desire, in entering into the Convention, not only to accomplish a particular object, but also to establish a general principle, and therefore agreed to extend their protection to any practicable trans-isthmian communication, either by canal or railway, and either at Tehuantepec or Panama, provided that those who constructed it should impose no other charges or conditions of traffic than the two Governments should consider just and equitable, and that the canal or railway, "being open to the subjects and citizens of Great Britain and the United States on equal terms, should also be open to the subjects of any other State which was willing to join in the guarantee of joint protection."

So long as the Clayton-Bulwer Treaty was in force, therefore, the position was that both parties to it had given up their power of independent action, because neither was at liberty itself to construct the Canal and thereby obtain the exclusive control which such construction would confer. It is also clear that if the Canal had been constructed while the Clayton-Bulwer Treaty was in force, it would have been open, in accordance with article 8, to British and United States ships on equal terms, and equally clear, therefore, that the tolls leviable on such ships would have been identical.

The purpose of the United States in negotiating the Hay-Pauncefote Treaty was to recover their freedom of action, and obtain the right, which they had surrendered, to construct the Canal themselves; this is expressed in the preamble to the treaty, but the complete liberty of action consequential upon such construction was to be limited by the maintenance of the general principle embodied in article 8 of the earlier treaty. That principle, as shown above, was one of equal treatment for both British and United States ships, and a study of the language of article 8 shows that the word "neutralisation", in the preamble of the later treaty, is not there confined to belligerent operations, but refers to the system of equal rights for which article 8 provides.

If the wording of the article is examined, it will be seen that there is no mention of belligerent action in it at all. Joint protection and equal treatment are the only matters alluded to, and it is to one, or both, of these that neutralisation must refer. Such joint protection has always been understood by His Majesty's Government to be one of the results of the Clayton-Bulwer Treaty of which the United States was most anxious to get rid, and they can scarcely therefore believe that it was such joint protection that the United States were willing to keep alive, and to which they referred in the preamble of the Hay-Pauncefote Treaty. It certainly was not the intention of His Majesty's Government that any responsibility for the protection of the Canal should attach to them in the future. Neutralisation must therefore refer to the system of equal rights.

It thus appears from the preamble that the intention of the Hay-Pauncefote Treaty was that the United States was to recover the right to construct the trans-isthmian canal upon the terms that, when constructed, the canal was to be open to British and United States ships on equal terms.

The situation created was in fact identical with that resulting from the Boundary Waters Treaty of 1909 between Great Britain and the United States, which provided as follows:—

"The high contracting parties agree that the navigation of all navigable boundary waters shall for ever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation, and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

"It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters and now existing, or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory, and may charge tolls for the use thereof; but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the high contracting parties, and they * * * shall be placed on terms of equality in the use thereof."

A similar provision, though more restricted in its scope, appears in article 27 of the Treaty of Washington, 1871, and your excellency will no doubt remember how strenuously the United States protested, as a violation of equal rights, against a system which Canada had introduced of a rebate of a large portion of the tolls on certain freight on the Welland Canal, provided that such freight was taken as far as Montreal, and how in the face of that protest the system was abandoned.

The principle of equality is repeated in article 3 of the Hay-Pauncefote Treaty, which provides that the United States adopts, as the basis of the neutralisation of the Canal, certain rules, substantially as embodied in the Suez Canal Convention. The first of these rules is that the Canal shall be free and open to the vessels of commerce and war of all nations observing the rules on terms of entire equality, so that there shall be no discrimination against any such nation.

The word "neutralisation" is no doubt used in article 3 in the same sense as in the preamble, and implies subjection to the system of equal rights. The effect of the first rule is therefore to establish the provision, foreshadowed by the preamble and consequent on the maintenance of the principle of article 8 of the Clayton-Bulwer Treaty, that the Canal is to be open to British and United States vessels on terms of entire equality. It also embodies a promise on the part of the United States that the ships of all nations which observe the rules will be admitted to similar privileges.

The President in his memorandum treats the words "all nations" as excluding the United States. He argues that, as the United States is constructing the Canal at its own cost on territory ceded to it, it has, unless it has restricted itself, an absolute right of ownership and control, including the right to allow its own commerce the use of the Canal upon such terms as it sees fit, and that the only question is whether it has by the Hay-Pauncefote Treaty deprived itself of the exercise of the right to pass its own commerce free or remit tolls collected for the use of the Canal. He argues that article 3 of the treaty is nothing more than a declaration of policy by the United States that the Canal shall be neutral and all nations treated alike and no discrimination made against any one of them observing the rules adopted by the United States. "In other words, it was a conditional favoured-nation treatment, the measure of which, in the absence of express stipulations to that effect, is not what the country gives to its own nationals, but the treatment it extends to other nations."

For the reasons they have given above His Majesty's Government believe this statement of the case to be wholly at variance with the real position. They consider that by the Clayton-Bulwer Treaty the United States had surrendered the right to construct the Canal, and that by the Hay-Pauncefote treaty they recovered that right upon the footing that the Canal should be open to British and United States vessels upon terms of equal treatment.

The case cannot be put more clearly than it was put by Mr. Hay himself, who, as Secretary of State, negotiated the Hay-Pauncefote Treaty, in the full account of the negotiations which he sent to the Senate Committee on Foreign Relations (see Senate Document No. 746, 61st Congress, 3rd session):—

> These rules are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer Treaty.

If the rules set out in the Hay-Pauncefote Treaty secure to Great Britain no more than most-favoured-nation treatment, the value of the consideration given for superseding the Clayton-Bulwer Treaty is not apparent to His Majesty's Government. Nor is it easy to see in what way the principle of article 8 of the Clayton-Bulwer treaty, which provides for equal treatment of British and United States ships, has been maintained.

I notice that in the course of the debate in the Senate on the Panama Canal Bill the argument was used by one of the speakers that the third, fourth, and fifth rules embodied in article 3 of the treaty show that the words "all nations" cannot include the United States, because, if the United States were at war, it is impossible to believe that it could be intended to be debarred by the treaty from using its own territory for revictualing its war-ships or landing troops.

The same point may strike others who read nothing but the text of the Hay-Pauncefote Treaty itself, and I think it is therefore worth while that I should briefly show that this argument is not well founded.

The Hay-Pauncefote Treaty of 1901 aimed at carrying out the principle of the neutralisation of the Panama Canal by subjecting it to the same régime as the Suez Canal. Rules 3, 4, and 5 of article 3 of the treaty are taken almost textually from articles 4, 5, and 6 of the Suez Canal Convention of 1888. At the date of the signature of the Hay-Pauncefote Treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States, consequently there was no need to insert in the draft treaty provisions corresponding to those in articles 10 and 13 of the Suez Canal Convention, which preserve the sovereign rights of Turkey and of Egypt, and stipulate that articles 4 and 5 shall not effect the right of Turkey, as the local sovereign, and of Egypt, within the measure of her autonomy, to take such measures as may be necessary for securing the defence of Egypt and the maintenance of public order, and, in the case of Turkey, the defence of her possessions on the Red Sea.

Now that the United States has become the practical sovereign of the Canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

For these reasons, His Majesty's Government maintain that the words "all nations" in rule 1 of article 3 of the Hay-Pauncefote Treaty include the United States, and that, in consequence, British vessels using the Canal are entitled to equal treatment with those of the United States, and that the same tolls are chargeable on each.

This rule also provides that the tolls should be "just and equitable." The purpose of these words was to limit the tolls to the amount representing the fair value of the services rendered, i. e., to the interest on the capital expended and the cost of operation and maintenance of the Canal. Unless the whole volume of shipping which passes through the Canal, and which all benefits equally by its services, is taken into account, there are no means of determining whether the tolls chargeable upon a vessel represent that vessel's fair proportion of the current expenditure properly chargeable against the Canal, that is to say, interest on the capital expended in construction, and the cost of operation and maintenance. If any classes of vessels are exempted from tolls in such a way that no receipts from such ships are taken into account in the income of the Canal, there is no guarantee that the vessels upon which tolls are being levied are not being made to bear more than their fair share of the upkeep. Apart altogether, therefore, from the provision in rule 1 about equality of treatment for all nations, the stipulation that the tolls shall be just and equitable, when rightly understood, entitles His Majesty's Government to demand, on behalf of British shipping, that all vessels passing through the Canal, whatever their flag or their character, shall be taken into account in fixing the amount of the tolls.

The result is that any system by which particular vessels or classes of vessels were exempted from the payment of tolls would not comply with the stipulations of the treaty that the Canal should be open on terms of entire equality, and that the charges should be just and equitable.

The President, in his memorandum, argues that if there is no difference, as stated in Mr. Mitchell Innes' note of the 8th July, between charging tolls only to refund them and remitting tolls altogether, the effect is to prevent the United States from aiding its own commerce in the way that all other nations may freely do. This is not so. His Majesty's Government have no desire to place upon the Hay-Pauncefote Treaty an interpretation which would impose upon the United States any restriction from which other nations are free, or reserve to such other nation any privilege which is denied to the United States. Equal treatment, as specified in the treaty, is all they claim.

His Majesty's Government do not question the right of the United States to grant subsidies to United States shipping generally, or to any particular branches of that shipping, but it does not follow therefore that the United States may not be debarred by the Hay-Pauncefote Treaty from granting a subsidy to certain shipping in a particular way, if the effect of the method chosen for granting such subsidy would be to impose upon British or other foreign shipping an unfair share of the burden of the upkeep of the Canal, or to create a discrimination in respect of the conditions or charges of traffic, or otherwise to prejudice rights secured to British shipping by this Treaty.

If the United States exempt certain classes of ships from the payment of tolls the result would be a form of subsidy to those vessels which His Majesty's Government consider the United States are debarred by the Hay-Pauncefote Treaty from making.

It remains to consider whether the Panama Canal Act, in its present form, conflicts with the treaty rights to which His Majesty's Government maintain they are entitled.

Under section 5 of the Act the President is given, within certain defined limits, the right to fix the tolls, but no tolls are to be levied upon ships engaged in the coastwise trade of the United States, and the tolls, when based upon net registered tonnage for ships of commerce, are not to exceed 1 dollar 25 c. per net registered ton, nor be less, *other than for vessels of the United States and its citizens*, than the estimated proportionate cost of the actual maintenance and operation of the Canal. There is also an exception for the exemptions granted by article 19 of the Convention with Panama of 1903.

The effect of these provisions is that vessels engaged in the coastwise trade will contribute nothing to the upkeep of the Canal. Similarly vessels belonging to the Government of the Republic of Panama will, in pursuance of the treaty of 1903, contribute nothing to the upkeep of the Canal. Again, in the cases where tolls are levied, the tolls in the case of ships belonging to the United States and its citizens may be fixed at a lower rate than in the case of foreign ships, and may be less than the estimated proportionate cost of the actual maintenance and operation of the Canal.

These provisions (1) clearly conflict with the rule embodied in the principle established in article 8 of the Clayton-Bulwer Treaty of equal treatment for British and United States ships, and (2) would enable tolls to be fixed which would not be just and equitable, and would therefore not comply with rule 1 of article 3 of the Hay-Pauncefote Treaty.

It has been argued that as the coastwise trade of the United States is confined by law to United States vessels, the exemption of vessels engaged in it from the payment of tolls cannot injure the interests of foreign nations. It is clear, however, that the interests of foreign nations will be seriously injured in two material respects.

In the first place, the exemption will result in the cost of the working of the Canal being borne wholly by foreign-going vessels, and on such vessels, therefore, will fall the whole burden of raising the revenue necessary to cover the cost of working and maintaining the Canal. The possibility, therefore, of fixing the toll on such vessels at a lower figure than 1 dol. 25 c. per ton, or of reducing the rate below that figure at some future time, will be considerably lessened by the exemption.

In the second place, the exemption will, in the opinion of His Majesty's Government, be a violation of the equal treatment secured by the treaty, as it will put the "coastwise trade" in a preferential position as regards other shipping. Coastwise trade cannot be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example, if cargo intended for an United States port beyond the Canal, either from east or west, and shipped on board a foreign ship could be sent to its destination more cheaply, through the operation of the proposed exemption, by being landed at an United States port before reaching the Canal, and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the Canal on board the foreign ship.

Again, although certain privileges are granted to vessels engaged in an exclusively coastwise trade, His Majesty's Government are given to understand that there is nothing in the laws of the United States which prevents any United States ship from combining foreign commerce with coastwise trade, and consequently from entering into direct competition with foreign vessels while remaining "prima facie" entitled to the privilege of free passage through the Canal. Moreover any restriction which may be deemed to be now applicable might at any time be removed by legislation or even perhaps by mere changes in the regulations.

In these and in other ways foreign shipping would be seriously handicapped, and any adverse result would fall more severely on British shipping than on that of any other nationality.

The volume of British shipping which will use the Canal will in all probability be very large. Its opening will shorten by many thousands of miles the waterways between England and other portions of the British Empire, and if on the one hand it is important to the United States to encourage its mercantile marine and establish competition between coastwise traffic and transcontinental railways, it is equally important to Great Britain to secure to its shipping that just and impartial treatment to which it is entitled by treaty, and in return for a promise of which it surrendered the rights which it held under the earlier convention.

There are other provisions of the Panama Canal Act to which the attention of His Majesty's Government has been directed. These are contained in section 11, part of which enacts that a railway company, subject to the Inter-State Commerce Act 1887, is prohibited from having any interest in vessels operated through the Canal with which such railways mav compete, and another part provides that a vessel permitted to engage in the coastwise or foreign trade of the United States is not allowed to use the Canal if its owner is guilty of violating the Sherman Anti-Trust Act.

His Majesty's Government do not read this section of the Act as applying to, or affecting, British ships, and they therefore do not feel justified in making any observations upon it. They assume that it applies only to vessels flying the flag of the United States, and that it is aimed at practices which concern only the internal trade of the United States. If this view is mistaken and the provisions are intended to apply under any circumstances to British ships, they must reserve their right to examine the matter further and to raise such contentions as may seem justified.

His Majesty's Government feel no doubt as to the correctness of their interpretation of the treaties of 1850 and 1901, and as to the validity of the rights they claim under them for British shipping;

nor does there seem to them to be any room for doubt that the provisions of the Panama Canal Act as to tolls conflict with the rights secured to their shipping by the treaty. But they recognise that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the Act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to submit the question to arbitration if the Government of the United States would prefer to take this course. A reference to arbitration would be rendered unnecessary if the Government of the United States should be prepared to take such steps as would remove the objections to the Act which His Majesty's Government have stated.

Knowing as I do full well the interest which this great undertaking has aroused in the New World and the emotion with which its opening is looked forward to by United States citizens, I wish to add before closing this despatch that it is only with great reluctance that His Majesty's Government have felt bound to raise objection on the ground of treaty rights to the provisions of the Act. Animated by an earnest desire to avoid points which might in any way prove embarrassing to the United States, His Majesty's Government have confined their objections within the narrowest possible limits, and have recognised in the fullest manner the right of the United States to control the Canal. They feel convinced that they may look with confidence to the Government of the United States to ensure that in promoting the interests of United States shipping, nothing will be done to impair the safeguards guaranteed to British shipping by treaty.

Your Excellency will read this despatch to the Secretary of State and will leave with him a copy.

I am [etc.]

E. Grey.

THE NORTH ATLANTIC COAST FISHERIES ARBITRATION.[1] AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN ADOPTING WITH CERTAIN MODIFICATIONS THE RULES AND METHOD OF PROCEDURE RECOMMENDED IN THE AWARD OF SEPTEMBER 7, 1910.[2]

Signed at Washington, July 20, 1912; ratification advised by the Senate, August 1, 1912; ratified by the President, August 7, 1912; ratified by Great Britain, August 19, 1912; ratifications exchanged at Washington, November 15, 1912; proclaimed, November 16, 1912.

By the President of the United States of America.

A PROCLAMATION.

Whereas an Agreement between the United States of America and Great Britain, adopting with certain modifications therein, the rules and method of procedure recommended in the award of The Hague Tribunal of September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions regarding the exercise of the fishing liberties referred to in Article I of the treaty of October 20, 1818, between the United States and Great Britain, was concluded and signed by their respective Plenipotentiaries at Washington on the twentieth day of July, one thousand nine hundred and twelve, the original of which Agreement is word for word as follows:

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[1] Treaty Series, No. 572.

[2] See For. Rel. 1910, p. 544; For. Rel. 1911, p. 272.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of concluding an agreement regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, have for this purpose named as their Plenipotentiaries:

The President of the United States of America:

Chandler P. Anderson, Counselor for the Department of State of the United States;

His Britannic Majesty:

Alfred Mitchell Innes, Chargé d'Affaires of His Majesty's Embassy at Washington;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Whereas the award of The Hague Tribunal of September 7, 1910, recommended for the consideration of the Parties certain rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, may be determined in accordance with the principles laid down in the award, and the Parties having agreed to make certain modifications therein, the rules and method of procedure so modified are hereby accepted by the Parties in the following form:

1. All future municipal laws, ordinances, or rules for the regulation of the fisheries by Great Britain, Canada, or Newfoundland in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulations of a similar character; and all alterations or amendments of such laws, ordinances, or rules shall be promulgated and come into operation within the first fifteen days of November in each year; provided, however, in so far as any such law, ordinance, or rule shall apply to a fishery conducted between the 1st day of November and the 1st day of February, the same shall be promulgated at least six months before the 1st day of November in each year.

Such laws, ordinances, or rules by Great Britain shall be promulgated by publication in the London Gazette, by Canada in the Canada Gazette, and by Newfoundland in the Newfoundland Gazette.

After the expiration of ten years from the date of this Agreement, and so on at intervals of ten years thereafter, either Party may propose to the other that the dates fixed for promulgation be revised in consequence of the varying conditions due to changes in the habits of the fish or other natural causes; and if there shall be a difference of opinion as to whether the conditions have so varied as to render a revision desirable, such difference shall be referred for decision to a commission possessing expert knowledge, such as the Permanent Mixed Fishery Commission hereinafter mentioned.

2. If the Government of the United States considers any such laws or regulations inconsistent with the Treaty of 1818, it is entitled so to notify the Government of Great Britain within forty-five days after the publication above referred to, and may require that the same be submitted to and their reasonableness, within the meaning of the award, be determined by the Permanent Mixed Fishery Commission constituted as hereinafter provided.

3. Any law or regulation not so notified within the said period of forty-five days, or which, having been so notified, has been declared reasonable and consistent with the Treaty of 1818 (as interpreted by the said award) by the Permanent Mixed Fishery Commission, shall be held to be reasonable within the meaning of the award; but if declared by the said Commission to be unreasonable and inconsistent with the Treaty of 1818, it shall not be applicable to the inhabitants of the United States exercising their fishing liberties under the Treaty of 1818.

4. Permanent Mixed Fishery Commissions for Canada and Newfoundland, respectively, shall be established for the decision of such questions as to the reasonableness of future regulations, as contemplated by Article IV of the Special Agreement of January 27, 1909. These Commissions shall consist of an expert national, appointed by each Party for five years; the third member shall not be a national of either Party. He shall be nominated for five years by agreement of the Parties, or, failing such agreement, within two months from the date, when either of the Parties to this Agreement shall call upon the other to agree upon such third member, he shall be nominated by Her Majesty the Queen of the Netherlands.

5. The two national members shall be summoned by the Government of Great Britain, and shall convene within thirty days from the date of notification by the Government of the United States. These two members having failed to agree on any or all of the questions submitted within thirty days after they have convened, or having before the expiration of that period notified the Government of Great Britain that they are unable to agree, the full Commission, under the presidency of the Umpire, is to be summoned by the Government of Great Britain, and shall convene within thirty days thereafter to decide all questions upon which the two national members had disagreed. The Commission must deliver its decision, if the two Governments do not agree otherwise, within forty-five days after it has convened. The Umpire shall conduct the procedure in accordance with that provided in Chapter IV of the Convention for the Pacific Settlement of International Disputes, of October 18, 1907, except in so far as herein otherwise provided.

6. The form of convocation of the Commission, including the terms of reference of the question at issue, shall be as follows:

"The provision hereinafter fully set forth of an act dated ------, published in the ------ Gazette, has been notified to the Government of Great Britain by the Government of the United States under date of ----, as provided by the agreement entered into on July 20, 1912, pursuant to the award of the Hague Tribunal of September 7, 1910.

"Pursuant to the provisions of that Agreement the Government of Great Britain hereby summons the Permanent Mixed Fishery Commission for
(Canada)
(Newfoundland) composed of -------- Commissioner for the United States of America, and of ------- Commissioner for (Canada)
(Newfoundland) who shall meet at Halifax, Nova Scotia, with power to hold subsequent meetings at such other place or places as they may determine, and render a decision within thirty days as to whether the provision so notified is reasonable and consistent with the Treaty of 1818, as interpreted by the award of the Hague Tribunal of September 7, 1910, and if not, in what respect it is unreasonable and inconsistent therewith.

"Failing an agreement on this question within thirty days, the Commission shall so notify the Government of Great Britain in order that the further action required by that award shall be taken for the decision of the above question.

"The provision is as follows---------------------------------"

7. The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commission, shall be final and binding.

8. Any difference in regard to the regulations specified in Protocol XXX of the arbitration proceedings, which shall not have been disposed of by diplomatic methods, shall be referred not to the Commission of expert specialists mentioned in the award but to the Permanent Mixed Fishery Commissions, to be constituted as hereinbefore provided, in the same manner as a difference in regard to future regulations would be so referred.

Article II.

And whereas the Tribunal of Arbitration in its award decided that—

> In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast.

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

> In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:

For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light on the east point of Scatary Island to the northeasterly point of Cape Morien.

Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays.

It is understood that the award does not cover Hudson Bay.

ARTICLE III.

It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

ARTICLE IV.

The present Agreement shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Agreement in duplicate and have hereunto affixed their seals.

Done at Washington on the 20th day of July, one thousand nine hundred and twelve.

CHANDLER P. ANDERSON [SEAL.]
ALFRED MITCHELL INNES [SEAL.]

AND WHEREAS the said agreement has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the fifteenth day of November, one thousand nine hundred and twelve;

Now, THEREFORE, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said Agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this sixteenth day of November, in the year of our Lord one thousand nine hundred and twelve, and of the Independence of the United States of America the one hundred and thirty-seventh.

[SEAL.]

WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.

ARBITRATION OF PECUNIARY CLAIMS.

(*See* For. Rel. 1911, p. 266, for the text of the "Special Agreement for the submission to arbitration of pecuniary claims outstanding between the United States and Great Britain." It was confirmed by an exchange of notes April 26, 1912.)

WRECK OF THE BRITISH VESSEL "TITANIC." CONSULAR DISPOSITION OF EFFECTS OF THE DECEASED. RECOGNITION OF THE SERVICES OF CAPTAIN ROSTRON.[1]

NOTE.—At 10.13 p. m. (New York time) April 14, 1912, the White Star liner *Titanic*, west bound, with 2,201 persons aboard, struck an iceberg while steaming at from 22 to 24 miles per hour, at latitude North 41.46, longitude West 50.14, near Cape Race, and foundered two hours and forty minutes later.

The President and the Secretary of State received on April 15 and 16 expressions of condolence from the Governments of Argentina, Belgium, Bolivia, Brazil, Cuba, Dominican Republic, France, Great Britain (and the British Colonies), Guatemala, Honduras, Italy, Japan, Mexico, Nicaragua, Panama, Persia, Peru, Portugal (and Lourenço Marquez), Russia, Salvador, Siam, Spain, Sweden, Turkey, Uruguay and Venezuela.

Certain correspondence ensued relating to the jurisdiction of American consuls in regard to the transportation of bodies, as follows.

File No. 841.857 T53/31.

The American Consul General at Halifax to the Secretary of State.

[Telegram.]

HALIFAX, NOVA SCOTIA, *April 23, 1912.*

Mackay-Bennett cable that boat is due Halifax Thursday with bodies recovered from wreck of the *Titanic*. Are there any penalties necessary preparatory to shipping bodies across border to New York?

RAGSDALE.

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[1] For a detailed narrative of this disaster, see the report of the Senate Committee on Commerce, No. 806, 62d Congress, 2d session (with File No. 841.857 T53); also the report of the British Court of Inquiry (File No. 841.857 T53/108).

File No. 841.857 T53/31.

The Secretary of State to the American Consul General at Halifax.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 24, 1912.

There are no restrictions as far as the United States quarantine regulations are concerned if the bodies are embalmed.

KNOX.

File No. 841.857 T53/41.

The American Consul General at Halifax to the Secretary of State.

[Telegram.]

HALIFAX, N. S., *April 29, 1912.*

Many claimants of bodies from *Titanic* demand the right to take with them the effects found thereon. Shall I deliver same or adhere strictly to the regulations?

RAGSDALE.

File No. 841.857 T53/41.

The Acting Secretary of State to the American Consul General at Halifax.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 29, 1912.

You have no jurisdiction in the premises as there is no treaty provision with Great Britain granting consular officers authority to take charge of the effects of deceased Americans.

WILSON.

File No. 841.857 T53/50.

The American Consul General at Halifax to the Secretary of State.

AMERICAN CONSULATE GENERAL,
No. 139. *Halifax, Nova Scotia, April 30, 1912.*

SIR: I have the honor to confirm my telegram of April 29th and the Department's reply of same date. In this connection I may say that I made no demand on the authorities here that the effects found on the bodies of American citizens should be turned over to me. Up to the 27th instant it was understood that the parties representing the White Star Company would forward all such effects to their New York office, where the same could be had on proper application, and against this proposition the Provincial authorities offered no remonstrance so far as I have been able to learn, but emphatic protest against this method was offered by numerous relatives and friends.

Finally the matter was taken up by the Provincial authorities and both the Lieutenant Governor and the Premier called and offered to take any action that might result in peace and harmony. A meeting of the authorities was called at the Attorney General's office on Monday to consider the matter, and I was advised to be present. After mature deliberation the Premier advised that the statutes of the Province be complied with by having the Provincial Secretary receive all the effects, inventory the same, and after their use as means of identification by the Coroner they should be turned over to the American Consul General for such disposition as the law might require.

This arrangement, it seemed to me, would be in accordance with section 392 of the regulations and would not conflict with section 389 inasmuch as the authorities were willing to waive all formalities and have it that way.

In the meantime I cabled the Department for instructions. On receipt of reply I advised the authorities here and have taken no further part in the matter.

I have [etc.]

JAMES W. RAGSDALE.

NOTE.—At the time of the disaster the Cunarder *Carpathia* was 58 miles distant, the Leyland liner *Californian* 5 to 10 miles (various estimates), the Canadian Pacific's *Mount Temple* 49 miles; others at greater distances. The *Carpathia* was east bound, the two others named west bound. The Senate committee's conclusion, and that of the British court of inquiry, was that the *Californian*, which made no attempt to give aid, could have rescued those aboard the *Titanic* (probably all of them, according to the British findings) had it promptly offered such assistance as came, at the earliest possible moment, from the *Carpathia*, commanded by Captain Arthur Henry Rostron, who saved thirty-three per cent of those on board.

File No. 841.857 T53/112A.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, December 12, 1912.

MY DEAR MR. AMBASSADOR: In recognition of the services rendered by Captain Rostron of the steamship *Carpathia* in saving so many of the passengers and crew of the *Titanic*, Congress, as you are aware, at its last session provided by Joint Resolution as follows:

> That the President of the United States is hereby authorized and requested to cause to be made and presented to Captain Rostron a suitable gold medal appropriately inscribed, which shall express the high estimation in which Congress holds the services of this officer, to whose promptness and vigilance was due the rescue of three hundred and seventy-four women and children and three hundred and thirty men.

The President has asked me to say to you that he has determined to present this medal to Captain Rostron and has selected Saturday the first of March at three p. m. as the date on which he will make the presentation. I beg that you will bring the President's determination in this matter to the knowledge of Captain Rostron, asking him to make his arrangements to be in Washington at the time above indicated.

I am [etc.]

P. C. Knox.

File No. 841.857 T53/113.

The British Ambassador to the Secretary of State.

British Embassy,
Washington, December 24, 1912.

My Dear Mr. Secretary: I have to acknowledge the receipt of your letter of the 12th instant in which you informed me that the President had determined to present a medal to Captain Rostron of the steamship *Carpathia* on Saturday the 1st of March, and I beg to inform you that arrangements have been made which will enable Captain Rostron to be present in Washington on the above-mentioned day.

I am [etc.]

James Bryce.

DEATH OF MR. WHITELAW REID, AMERICAN AMBASSADOR TO GREAT BRITAIN.

File No. 123.R27/65.

The King of England to the President.

[Telegram.]

Buckingham Palace,
London, December 15, 1912.

It is with the deepest sorrow that I have to inform you of the death of Mr. Whitelaw Reid, at noon to-day. As your Ambassador in this country his loss will be sincerely deplored, while personally I shall mourn for an old friend of many years standing for whom I had the greatest regard and respect. The Queen and I sympathize most warmly with Mrs. Whitelaw Reid in her heavy sorrow.

George, R. I.

File No. 123.R27/69.

The President to the King of England.

[Telegram.]

The White House,
Washington, December 15, 1912.

Your Majesty's sad news of the death of Mr. Whitelaw Reid has just reached me. Mr. Reid's death is a loss to both countries, for his service as Ambassador was exceptional in the closer friendship that he secured between them through his own personality. His intimate knowledge of both countries, his profound respect and love for England, entirely consistent with the highest loyalty on his part to this country, gave him peculiar influence for good in his great station. I sincerely thank Your Majesty for your message and your expressions of sympathy and respect.

Wm. H. Taft.

File No. 123.R27/64.

The American Chargé d'Affaires at London to the Secretary of State.

[Telegram.—Paraphrase.]

No. 1121.] AMERICAN EMBASSY,
London, December 15, 1912.

I have the sad duty of announcing to you that the Ambassador died today at Dorchester House, at ten minutes past twelve o'clock.

Subject to your instructions, I have assumed control of the Embassy as Chargé d'Affaires.

IRWIN B. LAUGHLIN.

File No. 123.R27/67.]

No. 1122.] LONDON, *December 16, 1912.*

Sir Edward Grey has just sent me the following informal inquiry:

> If it would be acceptable to Mrs. Reid and to your Government, a British ship of war will convey the body of Mr. Whitelaw Reid to the United States.

I am requested by Mrs. Reid to say that her wishes will be entirely in accord with your decision. I respectfully request to be instructed.

LAUGHLIN.

File No. 123.R27/67.

The Secretary of State to the American Chargé d'Affaires.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, December 17, 1912.

It should rest with Mrs. Reid to decide as to the acceptance of the offer of the British Government to convey the body of the late Ambassador on a British ship of war, and her preference will be entirely acceptable to the Department. When you have ascertained the wishes of Mrs. Reid, you will express in the course of your reply to Sir Edward Grey the high appreciation felt by this Government for the courteous offer.

KNOX.

File No. 123.R27/66.

WASHINGTON, *December 17, 1912.*

The British Ambassador has in person conveyed his Government's condolence on the death of Mr. Whitelaw Reid. Please express this Government's sincere appreciation of this sympathy and of the high tribute paid to the qualities which enabled Mr. Reid to maintain between Great Britain and the United States a cordial bond of friendship.

KNOX.

File No. 123.R27/70.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
No. 1123.] *London, December 18, 1912.*

Mrs. Reid desires me to express her deep appreciation of the action of this Government in leaving to her the decision as to the courteous offer of the British Government. On her behalf I have accepted that offer, of which Mrs. Reid is gratefully proud. Before permitting herself to consider the great personal distinction conferred upon Mr. Reid and the honor paid to his memory, Mrs. Reid regards them as shown primarily to the Nation he so earnestly served.

LAUGHLIN.

File No. 123.R27/70.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 18, 1912.

Mrs. Reid's decision is very gratifying to the Department. Two battleships will meet the British ship off Nantucket.

KNOX.

File No. 123.R27/71.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
London, December 18, 1912.

The Dean of Westminster has offered the Abbey for a memorial service for the late Ambassador. Mrs. Reid has accepted the offer and the service will take place next Friday at noon.

LAUGHLIN.

File No. 123.R27/74.

No. 1126. LONDON, *December 19, 1912.*

The body of the late Ambassador will be conducted from Dorchester House with military escort on Saturday morning, December 21st, at ten o'clock. The British cruiser *Natal* will bear the body, sailing from Portsmouth Saturday afternoon, to arrive at New York on the morning of January third. Mrs. Reid asks me to say that nothing could exceed in kindness the English care and the thoughtfulness of the Government and all classes of the community.

LAUGHLIN.

GUATEMALA.

FINANCIAL AFFAIRS. DEMAND OF GREAT BRITAIN FOR RESTITUTION OF THE COFFEE REVENUES. PROPOSAL OF A NEW BOND ISSUE. GOOD OFFICES OF THE UNITED STATES.

File No. 814.51/167A.

The Secretary of State to the Minister of Guatemala.

DEPARTMENT OF STATE,
No. 9.] *Washington, May 23, 1912.*

SIR: The Government of the United States, as you well know, has long been impressed by the necessity for the rehabilitation of the finances of Guatemala as being evidently indispensable to the discharge of its international obligations as it is also essential to the adequate development of its resources and its participation in the commercial progress of Central America.

In view of the assurance of the President of Guatemala, renewed in April last to the American Minister, that it was His Excellency's purpose to conclude arrangements to that end before the adjournment of the present session of the National Assembly, the Government of the United States considers that its sincere friendship toward Guatemala demands that it inform the Government of Guatemala that since January last the Government of Great Britain has assumed a firm attitude regarding a settlement of the claims of the British bondholders, and that unless steps be taken toward such financial reorganization within the period mentioned by the President of Guatemala this Government may find it impossible further to endeavor to dissuade the Government of Great Britain from adopting such means for the enforcement of its claims as under all the circumstances may be justifiable.

Accept [etc.].

P. C. KNOX.

File No. 814.51/166.

The Minister of Guatemala to the Secretary of State.

[Translation.]

LEGATION OF GUATEMALA,
Washington, May 31, 1912.

SIR: Immediately upon receipt of your excellency's note of the 23d instant relative to the financial affairs of Guatemala I informed my Government thereof by cable, and I can now give you the satisfactory responses telegraphed to me by the President and the Minister for Foreign Affairs.

Permit me, in the first place, to express the high appreciation of the Government of Guatemala for the friendly interest which you have manifested in behalf of the Government of the United States, and which shows anew the noble spirit that it displays toward the peoples of the New World, for which we are sincerely grateful and which in my country we fully reciprocate.

The President charges me to say to your excellency that he firmly intends to lose no time in the matter of economic arrangements with American firms, and has practically concluded his examination of the several propositions submitted. The most acceptable of these requires sixty days for the determination of the changes considered necessary, especially as to the form of redeeming the English loan, and as he can not, on the other hand, constitutionally prolong the sessions of Congress, the Government will call an extraordinary session of the Legislative Assembly, as already announced by the Department of Hacienda and Public Credit, as soon as the said American firms return their respective contracts.

Everything therefore depends exclusively on the activity of the bankers, and the President hopes that what for so many years has not been attained will soon be accomplished by his Administration, realizing in deeds his most constant desire for an arrangement which, as your excellency says, will produce the best results for the development and welfare of Guatemala.

Accept [etc.]

JOAQUÍN MÉNDEZ.

File No. 814.51/166.

The Secretary of State to the Minister of Guatemala.

DEPARTMENT OF STATE,
Washington, June 12, 1912.

SIR: I have the honor to acknowledge, with gratification, the receipt of your note of the 31st ultimo, in which you inform the Department that the examination of the several propositions submitted to your Government for the rehabilitation of the finances of Guatemala is practically concluded, and that in view of the fact that the one most acceptable to the Government requires sixty days for the determination of necessary changes, especially as regards the form in which it may be expedient to redeem the English loan, the Government will call an extraordinary session of the Legislative Assembly, as already announced, as soon as the American firms concerned shall have returned their respective contracts.

Accept [etc.]

P. C. KNOX.

File No. 814.51/177.

The British Chargé d'Affaires to the Secretary of State.

BRITISH EMBASSY,
Washington, August 28, 1912.

SIR: I have the honour to enclose copies[1] of a correspondence which I have received from His Majesty's Principal Secretary of

---

[1] Not printed.

State for Foreign Affairs regarding the external debt of Guatemala, in which His Majesty's Government have instructed the British Chargé d'Affaires at Guatemala to demand that the British claims be submitted to arbitration.

His Majesty's Government have exhausted all possible methods of negotiation in their endeavour to secure a settlement of the debt, but have failed to obtain satisfaction.

The Secretary of State has more than once expressed his willingness to support His Majesty's Government in such representations as those now made, and I am instructed to ask the good offices of the United States Government on the present occasion to secure the submission of the matter to arbitration.

I have [etc.]

A. MITCHELL INNES.

File No. 814.51/177b.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.—Aide-mémoire.]

DEPARTMENT OF STATE,
Washington, September 14, 1912.

The Minister of Guatemala on September 13 handed the Department the following instruction from his Government, dated September 10:

> The British Legation, declaring itself to be in accord with Washington, requests arbitration of English loan matter. You will inform the Department of State that a financial arrangement is on the point of completion, and this British request will greatly embarrass it.

The Minister of Guatemala continuing to insist on the further exercise of the friendly good offices of this Government in order to procure additional delay by the British Government, the Department handed the Minister the following aide-mémoire, dated September 13, 1912:

> In deference to the friendship existing between the United States and Guatemala, and as a further evidence of the good will of the Government of the United States toward that of Guatemala and its earnest desire to serve that Government by assisting it to negotiate through American bankers some satisfactory financial rehabilitation including provision for an equitable settlement of just British and other claims, the Department of State will once more informally address the British Government and urge that it withhold for twenty days its demand for arbitration, in order to enable the Government of Guatemala to effect the settlement as above indicated. But if the Government of Guatemala shall not have completed an arrangement as hereinbefore outlined at the expiration of that delay, the Government of the United States will be obliged to believe that the Government of Guatemala does not really intend to comply with its repeated promises, and under the circumstances will regret to find itself absolutely unwilling to intervene further.
>
> The Government of the United States in this connection invites the attention of the Government of Guatemala to the latter part of Article 1 of The Hague Convention of 1907 respecting the recovery of contract debts.
>
> If the Government of Guatemala desires that the suggested action be taken by the Government of the United States, it will be necessary that the reply be received on September 16, 1912.

ADEE.

File No. 814.51/180.

The Minister of Guatemala to the Secretary of State.

LEGATION OF GUATEMALA,
Washington, September 18, 1912.

MY DEAR MR. SECRETARY: Immediately upon the receipt of the aide-mémoire of the 13th instant handed me by your excellency, I transmitted it by cable to my Government, requesting appropriate reply; and on Monday the 15th I called at the State Department to state that, doubtless on account of the Independence festivities in Guatemala, the answer would come immediately thereafter. In fact, this morning I left with Mr. Janes in the Latin-American Division, to be brought to your excellency's knowledge, an extract from the said reply, and have the honor of addressing to your excellency the following communication:

The Minister for Foreign Affairs of Guatemala has sent me the following cablegram:

> Guatemala, September 17, 1912.—Méndez, Minister of Guatemala, Washington, D. C.—As a direct consequence of the great importance of the negotiation which we are undertaking to carry out, it is to be feared that notwithstanding our good intentions, it may not be possible to terminate it in the short period indicated to us. Nevertheless we will do everything in human power to arrive at a solution within the period fixed. Inform the State Department of the most hearty appreciation of the Government of Guatemala for the admirable disposition, so cordially expressed, of the American Government to assist us in the financial adjustment; and at the same time state that our Government is giving its most earnest consideration to everything relating to the matter in order to be able to reach a speedy settlement of so important an affair; but that by the very nature of the proposal of adjustment made by the British Minister to the President of the Republic, as representative of the bondholders, such proposition is still under examination, and it is dependent upon the adjustment made with the bankers of the United States of America, to which adjustment the proposition continues subordinated, thus rendering premature and inexplicable any other action in the same sense.[1]
>
> On the other hand, the Government of Guatemala is glad to acknowledge that arbitration is the most civilized and just manner of settling international difficulties, but as I have already stated to the British Chargé d'Affaires, we see nothing whatsoever in the present case which should be submitted to doubt or discussion, and we have therefore asked that the British Government specify the points which in its judgment might afford a basis for arbitration.
>
> Specifically stated, the Chargé d'Affaires has made proposals to us which are yet to be acted upon, and we are awaiting a reply in order to decide upon appropriate action.
>
> TOLEDO.

In bringing the above to your excellency's knowledge I renew [etc.]

JOAQUIN MÉNDEZ.

File No. 814.51/180.

The Acting Secretary of State to the British Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, September 21, 1912.

MY DEAR MR. CHARGÉ: I refer to your communication of the 28th ultimo, in which you state that His Majesty's Government has instructed the British Chargé d'Affaires at Guatemala to demand that the claims of the British holders of the bonds of the Government of Guatemala be submitted to arbitration. You say that His Majesty's Government, having exhausted all possible methods of negotiation, has been obliged to make appeal to arbitration to arrive at a settlement. In pursuance of instructions you request that this Government use its good offices in support of the representations of His Majesty's Government to the end that the matter may be submitted to arbitration.

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[1] The original: "a cuyo arreglo ella [dicha proposición] permanece subordinada, lo cual hace prematura e inexplicable cualquiera otra acción en el mismo sentido."

In accordance with the desires of your Government I took occasion on the 13th instant to call to the attention of the Guatemalan Government, through its representative in this city, the situation which was rapidly developing because of the long continued refusal of the Government of Guatemala to make any serious effort to comply with its just obligations. The promise which the Guatemalan Government had made last May to enter into some arrangement to place the finances of Guatemala upon a firm economic basis within sixty days was recalled to the Minister, and it was pointed out that the time had arrived when the Government of the United States must inform the Government of Guatemala that it could no longer interpose its counsel to influence Great Britain to desist in demanding the immediate arbitration of just British claims.

Upon the Minister's repeated and insistent request that an additional period of time be granted for the consummation of the general arrangement required, I finally consented informally to communicate with the British Government to the end that the Guatemalan Government might have an additional period of twenty days in order to enable it to effect a settlement which the Department was informed by Señor Méndez was then on the point of being attained.

Copies of the Department's aide-mémoire which was handed Señor Méndez on the 13th instant, and of his reply dated the 18th instant, are transmitted for the information of your Government.

Accordingly I would ask you, my dear Mr. Chargé, to ascertain whether your Government would be willing to accord to the Government of Guatemala the period of twenty days (which it is understood should begin to run on the 17th instant) within which it will be expected that the general financial arrangement demanded by the situation will have been satisfactorily consummated.

I am [etc.]

HUNTINGTON WILSON.

File No. 814.51/181.

The British Ambassador to the Acting Secretary of State.

[Telegram.]

BRITISH EMBASSY,
Kineo, Maine, September 29, 1912.

I communicated substance of your letter of September 21st to my Government and in reply I am instructed to point out that while His Majesty's Government has no objections granting of a delay of twenty days from seventeenth instant, they do not desire a settlement of any kind but the restitution to the bondholders of the revenue through [sic] which they are undoubtedly entitled under loan contract.

BRYCE.

File No. 814.51/183.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, September 30, 1912.

MY DEAR MR. SECRETARY: With reference to the subject of the Guatemalan debt, as to which I telegraphed to you on September 29th giving you the views of my Government, I must thank you for the action taken by you in accordance with the wishes of my Government, as set forth in your note to Mr. Mitchell Innes of September 21st. I need not say that my Government deeply appreciates any assistance from the Government of the United States looking to the satisfaction of British claims of this nature.

I am [etc.]

JAMES BRYCE.

File No. 814.51/190.

The British Ambassador to the Acting Secretary of State.

BRITISH EMBASSY,
Washington, October 19, 1912.

MY DEAR MR. WILSON: I beg to refer to the letter which you addressed to Mr. Mitchell Innes on the 21st ultimo, in which you informed him that the Guatemalan Government had asked for a delay of twenty days, to run from the 17th ultimo, in order to enable them to effect a settlement which, according to the statement of Señor Méndez, was then on the point of being attained, and further with reference to Mr. Mitchell Innes' telegram to you of the 29th ultimo,[1] in which he informed you that His Majesty's Government had no objection to granting the desired delay.

This period of twenty days accorded to the Guatemalan Government at your request has elapsed without any communication having been received from them. In view of the urgency of the matter and of the extreme importance which my Government attach to the immediate restitution of the revenue pledged to the bondholders, I shall be much obliged if you will let me know whether you have received any further communication from the Guatemalan Government, or can give me any indication of their attitude in a matter which has already been too long delayed.

I am [etc.]

JAMES BRYCE.

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[1] Not printed.

File No. 814.51/189.

The Legation of Guatemala to the Department of State.

[Memorandum.]

The Legation of Guatemala this morning received from the Guatemalan Government a cablegram, as follows:

> I reply to your cablegram of Tuesday relative to a settlement with the English bondholders and to a solution of the economic arrangement with the American bankers by stating that we are giving consideration to this *immediate solution* above everything else; but as the bankers modified their proposals almost fundamentally when we asked elucidation on three points we are at present endeavoring to reach an understanding of these modifications only, by cable and mail communication with you and with the bankers' representative in this city. I believe that in order to obtain the most favorable results, you should earnestly solicit the moral support of the Honorable Department of State, as has been proffered us and which it has vouchsafed to exercise in our behalf, restraining the British demands which we regard as premature inasmuch as a solution satisfactory to the bondholders was on the eve of being reached. You may also give assurance that such solution will not be delayed beyond a few days—only the time necessary to permit the official opinion of the bankers to reach here.

Wherefore, most respectfully, and expressing anew the profound gratitude of the Guatemalan Government for the friendly courtesies of the State Department in this as in all other affairs in which it has exercised a concilatory and amiable mediation, the Legation of Guatemala urges that the Department of State will not find it inexpedient to kindly accede to the wishes expressed in the foregoing cablegram of the Government of Guatemala in the belief that this powerful aid will greatly facilitate an adjustment with the British bondholders within a few days through a general adjustment of Guatemalan finances by means of a contract with the American bankers.

In so doing the Legation has the honor to again offer its respectful saluations to the Honorable Department of State.

Legation of Guatemala,
Washington, D. C., October 25, 1912.

File No. 814.51/190.

The Acting Secretary of State to the British Ambassador.

Department of State,
Washington, October 29, 1912.

My dear Mr. Ambassador: I write to acknowledge your letter of the 19th, received at the Department during my absence from the city, in which you inquire whether any further communication has been received by the Department from the Guatemalan Government relative to the proposed settlement of its foreign financial obligations or indicating its attitude in the matter.

As officials of the Latin-American Division had the pleasure of an interview with Mr. Kerr on the 26th instant and were thus able, I trust, to explain the present status of the matter, permit me to add that we now await with interest an expression of the opinion of your Government as to the proposed settlement with American bankers who, as the Department learned by telephone yesterday, are again conferring with the Minister of Guatemala in this country.

With kind regards [etc.]

HUNTINGTON WILSON.

File No. 814.51/192.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, November 13, 1912.

SIR: Some days ago Mr. Kerr of this Embassy called at the State Department for the purpose of putting unofficially before the State Department the views of His Majesty's Government with reference to the persistent procrastination of the Guatemalan Government in the matter of the security pledged to the bondholders.

Your note of September 25th[1] to the British Chargé d'Affaires had encouraged His Majesty's Government to hope that the United States Government would now give their active support to the representations made on behalf of the bondholders that the security pledged to them should be restored, and a situation now grown intolerable should be once for all ended.

It was, therefore, with a feeling of disappointment that His Majesty's Government learnt that, in reply to the request for support which Mr. Kerr was instructed to make, a proposal was made that His Majesty's Government should suspend action for an unlimited period to permit the Guatemalan Government to negotiate a general settlement with a group of American bankers.

His Majesty's Government have carefully considered this proposal and regret that it does not appear to them to offer a fair prospect of a satisfactory solution of the present difficulty. This is not the first time that the Guatemalan Government have stated that they were on the point of coming to an agreement with American financiers; and though nothing came of the negotiations, it was subsequently learnt that the terms which it was proposed to put before the British bondholders were most unfair.

Recent experience as regards attempts to negotiate general settlements in cases similar to the present have given no grounds for hoping that any such endeavour in this instance would lead to an early settlement on terms which would be satisfactory to British bondholders, and I am instructed by my Government to inform you that they must continue to press for the restitution to the bondholders of the security solely pledged to them or for arbitration if the Guatemalan Government continues to refuse to comply with this reasonable demand.

His Majesty's Government therefore earnestly hope that the United States Government will reconsider the question and will afford them their hearty and immediate co-operation.

I have [etc.].

JAMES BRYCE.

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[1] Should be Sept. 21st.

File No. 814.51/196.

The Secretary of State to the American Ambassador to Great Britain.

DEPARTMENT OF STATE,
Washington, December 6, 1912.

SIR: The Department encloses herewith for your careful study a copy of a signed memorandum regarding the financial situation of Guatemala, which was delivered to the British Ambassador on December 3rd.

The Department is most anxious that the program proposed therein should be accepted by the British Government. You are accordingly instructed to avail of the first opportunity to explain the matter to Sir Edward Grey. In so doing you should emphasize the following points:

First. The fact that we have to deal with a general situation involving to a great extent the policy of this Government towards a portion of the world where the influence of the United States must naturally be pre-eminent.

Secondly. The fact that the restitution of the coffee revenues offers no guarantee of permanency. The revenues might again be diverted and a situation similar to the present one which we wish definitely to cure would then result.

Thirdly. The security of the new bonds is made doubly effective by the mode of collecting the customs revenues.

Fourthly. The fact that the American bankers have endeavored to consult the bondholders as to what terms they would find satisfactory before concluding negotiations with Guatemala.

And finally, the importance of cooperation between Great Britain and the United States, which cooperation is arranged for by the definite limitations contained in the memorandum as to the time in which the American plan may be completed.

The British Government may feel inclined to press the bankers for even more favorable terms for the bondholders, arguing that the back interest on the debt amounts to almost as much as the principal thereof. When the British Embassy raised that point at the Department it was pointed out that no matter what steps might be taken there seemed no way for the bondholders to recover the back interest, whereas the carrying out of the American plan should definitely assure to the bondholders the payment of the future interest.

When the American bankers telegraphed to the Secretary of the Council of Foreign Bondholders some weeks ago the only reply they received was to the effect that as the matter had been placed in the hands of the British Foreign Office the Council could entertain no outside proposals.

I am [etc.]

P. C. KNOX.

The Secretary of State to the British Ambassador.

[Inclosure.—Memorandum.]

While the Government of the United States recognizes that the grievances of the British bondholders against the Government of Guatemala are just, it feels that the interests of the bondholders, of Guatemala, and of the United States, will be best served not by the restitution of the coffee revenues to the service of the debt but by the early conclusion of the loan negotiations into which reputable American bankers have entered with the Government of Guatemala.

The present situation is unsatisfactory for both Great Britain and the United States, and while the Federal Government desires to aid the Government of Great Britain to safeguard the interests of the British bondholders, it wishes to do so in a manner promising the permanent satisfaction of the bondholders and calculated to effect a definite cure of a troublesome situation to the benefit of all the parties concerned, namely the bondholders, the large foreign commercial interests, the people of Guatemala and the interests of the United States rather than to the benefit of the bondholders alone. In the light of past experience it is felt that merely to secure the restoration of the revenues in question would offer no guaranties of permanency or the non-recurrence of the present situation, which has arisen through a disregard on the part of Guatemala of pledges exactly similar to those which the Government of Great Britain now seeks to have renewed. If the Government of the United States is asked to assist the creditors of Central American states, it feels that they should be willing to consider favorably whatever equitable assistance it is most convenient for the United States to render them.

The Federal Government, however, must consider not only the interests of the foreign bondholders but also the general situation which involves, in addition to the bondholders, its own important interests and its convenience, as well as the future of Guatemala and her people. As the Embassy was informally advised through Mr. Kerr, this Government takes the keenest interest in the consummation of a loan involving a broad plan for the financial rehabilitation of Guatemala, provided it equitably disposes of the British claims now being pressed upon the Government of Guatemala and is duly considerate of American and other pending claims. Mr. Kerr was also informed that the Department of State would suggest to the American bankers that they immediately cable their representatives at London to lay before the British interests concerned the outline of their plan so far as it concerns those interests and to seek a tentative agreement whereby those interests will be satisfied.

This the American bankers at once did, thus creating a situation very different from that described in the British Embassy's note of November 13th as having occurred in the past, wherein it is stated that after previous negotiations had failed, it had been subsequently learned that the terms which it was proposed to lay before the British bondholders were most unfair. The terms now offered by the bankers to the bondholders appear to the Government of the United States to be not only reasonable but more advantageous to the bondholders than the restitution of the coffee revenues would be.

According to the information of the Federal Government, the American bankers have offered the bondholders at par of their present holdings new 4% bonds to an amount equal to the principal of the old debt; the new bonds to be a part of a larger issue in connection with the refunding of the entire debt of the country and, through the establishment of a bank, replacing the present fluctuating and unsecured paper currency by one on a stable metallic basis. The new bonds would be secured by all the customs revenues. The customs would be administered by an agent to be named by the bankers, the duties being payable only in customs certificates which the agency alone may issue. These provisions of the proposed arrangement would seem to guarantee the regular payment of the interest on the new bonds and to insure the maintenance of their market value at a corresponding level, as the customs revenues are thus payable directly to the banker's agent and not merely pledged.

The Federal Government is convinced that the carrying out of such a comprehensive plan for the financial rehabilitation of Guatemala would materially benefit the bondholders and that it would be of the greatest advantage to Guatemala as well as to British and general commercial interests in that republic. In this view it would be the more surprising and regrettable if the apparently uncompromising attitude of the British Government, which is attributed to discouragement due to the repeated past delays on the part of Guatemala, should be definitely maintained.

The Government of the United States feels that the prospects for the early consummation of the loan would be excellent if the Government of Great Britain would cooperate for a short time with the United States in its present attempt to rehabilitate the finances of Guatemala. The bankers have stated that they prefer not to continue their negotiations with Guatemala until they have reached an agreement as to the terms that would be satisfactory to the

British bondholders; and it is confidently believed that if the British Foreign Office would expedite an agreement between the American bankers and the British bondholders as to the terms to be accorded the holders of the present bonds, the two Governments would then be in a position effectively to work together. The Federal Government would, after the conclusion of such an agreement, be glad to use its best efforts to cause the loan agreement to be signed by the Government of Guatemala within a reasonable time thereafter, say fifteen days, and to be ratified within thirty days after signature, provided that the National Assembly should be in session during this period, and, if not, then within thirty days after the date for the opening of the next regular session.

If, under the circumstances above outlined, the Government of the United States should not secure that result within such period it would then be prepared at once to support the demand of Great Britain for the restitution by Guatemala of the coffee revenues to the service of the foreign debt.

P. C. KNOX.

DEPARTMENT OF STATE,
Washington, December 3, 1912.

File No. 814.51/196.

The Secretary of State to the American Chargé d'Affaires.

No. 193.]

DEPARTMENT OF STATE.
Washington December 11, 1912.

Sir: The Department encloses for your confidential information a copy of a signed memorandum delivered to the British Ambassador on December 3, 1912, on the subject of the Guatemalan financial situation. A copy of the British Embassy's note of November 13, upon which the memorandum is based, is also enclosed.

The Department is now informed by the Guatemalan Minister that Guatemala and the bankers are now in accord as to the terms of the loan contract; that the contract will be ready for transmission to Guatemala by December 21st; and that President Estrada Cabrera intends to call a special session of the Assembly for its consideration.

Should such a course appear necessary or advisable at a later date the Department will instruct you by telegraph to make the contents of the memorandum known to the Government of Guatemala.

I am [etc.]

P. C. KNOX.

File No. 814.51/199.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, December 30, 1912.

DEAR MR. SECRETARY: A copy of your memorandum of the 2nd[1] December was duly communicated to the Foreign Office, and has received their consideration, and I am now instructed by Sir Edward Grey to inform you that the question of the conversion of the Guatemalan bonds is one entirely apart from the question with which the Foreign Office are at present dealing, and is in the opinion of His

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[1] Should be 3d.

Majesty's Government a matter for the private consideration of the bondholders.

His Majesty's Government have not been asked to assist in any scheme of conversion, but have been asked for their support in obtaining the restitution of the rights to which the bondholders are entitled by contract and which have been unjustly withheld since the year 1899.

In spite of representations to the Guatemalan Government, the latter have, in a way the injustice of which has been admitted by the United States Government, refused to comply with the request made to them, and His Majesty's Government, in their wish that a method to which no objection can be taken should be adopted, have now proposed that the matter should be settled by arbitration, and what is now asked of the United States Government is that they should lend their diplomatic assistance in obtaining from the Guatemalan Government a compliance with this obviously moderate demand.

His Majesty's Government do not doubt that the bondholders will, once their rights have been restored to them, be willing to entertain proposals for the conversion of the bonds, should it appear to be to their interest to do so.

His Majesty's Government have continued to hope that the United States Government, recognising the reasonableness of the attitude taken up by His Majesty's Government, would be willing to use their friendly offices with the Guatemalan Government to obtain their compliance, and Sir Edward Grey still trusts that this assistance of the United States Government will be given, as His Majesty's Government desire to avoid the necessity of considering what other measures can be resorted to for the purpose of inducing the Guatemalan Government to comply with their request.

I am [etc.]

JAMES BRYCE.

VISIT OF THE SECRETARY OF STATE TO GUATEMALA.

File No. 033.1100 K77/2.

The Minister of Guatemala to the Acting Secretary of State.

LEGATION OF GUATEMALA,
Washington, February 12, 1912.

MR. SECRETARY: This Legation has been given genuine delight in reading the notice published by the press about the visit of his excellency Mr. Philander C. Knox, Secretary of State of the United States, to Central America, and immediately transmitted by cable to the Government of Guatemala.

The presence of the eminent Chief of the American Department of State among us will without a doubt be of incalculable benefit, as it will be another demonstration of the sincere, frank and loyal friendship that the great Republic happily cultivates with my country; and in appreciating and acknowledging it I take pleasure in assuring your excellency that Mr. Knox and the distinguished persons who accompany him will find in Guatemala a reception marked by all the sympathy and affectionate respect that their high merits demand.

In the name of my Government I have the honor to express our deep appreciation of this act of most delicate courtesy and of the praiseworthy efforts of the American Government to bring into closer relations the peoples of the continent.

This wise policy—the logical consequence of the solidarity of the American countries—upheld as it is by the United States in the warmth of brotherly sentiments, will undoubtedly be productive of the best results tributary to the cohesion of all American interests.

No country is more desirous than mine to obtain these great results in ever growing numbers, and it will always be glad to contribute, as it has always done, to the more perfect harmony of our peoples, and for that reason witnesses with true pleasure and boundless satisfaction any act which, like his excellency's visit, makes for the realization of those generous aspirations.

I avail [etc.]

JOAQUÍN MÉNDEZ.

File No. 033.1100K77/35.]

The Minister of Guatemala to the Acting Secretary of State.

LEGATION OF GUATEMALA,
Washington, February 19, 1912.

MY DEAR MR. SECRETARY: I have received your kind letter of February 13th, 1912,[1] and take pleasure in informing you that we shall be more than pleased to have his excellency the Secretary of State, Mr. Knox, with us, also his distinguished wife, and all the members of the party accompanying them, and to further show my pleasure I will leave tonight to be present at a reception which we are to give in honor of Mr. and Mrs. Knox in Guatemala.

Every effort will be made to make the visit of Mr. Knox a most happy one, a visit that will, I am sure, make the relations more intimate, as I have had the pleasure to assure you in my official letter of February 12th, 1912.

Officially, and personally, I wish to state that the decision of His Excellency President Taft has been received by the Guatemalan Government and people as a high honor.

I am [etc.] JOAQUÍN MÉNDEZ.

File No. 033.1100K77/165.]

The American Minister to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
No. 231.] *Guatemala, April 8, 1912.*

SIR: I have the honor to make the following report, for the records of the Department, of your recent official visit to this country.

Previous to your arrival you were declared by presidential decree to be a " guest of honor of the nation ". This action was taken with a view to the honor implied and also from the fact that according to the official etiquette of the country a visiting Minister for Foreign Affairs is entitled only to the same treatment as a Minister Plenipotentiary. * * *

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[1] The identic letter printed under Panama: " Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea, p. 1240.

Your arrival had been expected for the 18th or 19th of March whereas it took place on the 14th, thereby somewhat hurrying the preparations. * * *

At 6 P. M. you were received in solemn audience by the President, all the higher officials of State being present. A copy of your address to the President I have the honor to enclose herewith, together with a copy accompanied by translation, of the President's reply. After the exchange of these speeches you held a few minutes conversation with the President before retiring. * * *

At 8 o'clock the banquent given in your honor in the name of the Government by the Minister for Foreign Affairs took place at the Ministry of Foreign Affairs. A copy, with translation, of the Minister's speech together with a copy of your reply, I beg leave to enclose herewith. * * *

On March 15 after a private luncheon you proceeded shortly after 4 o'clock in the afternoon to the Legislative Palace where you were received in solemn session by the Legislature. A copy, with translation, of the address of the President of the Legislative Power, together with a copy of your reply, I beg leave to transmit herewith.

Upon the termination of this ceremony the faculty of law of the University of Guatemala conferred upon you, in an adjoining room, the honorary degree of Doctor of Laws of the university. * * *

In the evening you attended the farewell banquet given in your honor by the President of the Republic, at which some 90 to 100 persons were present. A copy, with translation, of the President's address, together with a copy of your reply is appended to this despatch.

On March 17 at 9 a. m. you left the city by special train, preceded by a pilot train, for Puerto Barrios, stopping at Quirigua for one hour to inspect the ancient ruins of Maya civilization at that place and being afforded a view of an unsually good example of tropical Central-American forest. A few minutes after reaching Puerto Barrios you embarked upon the U. S. S. *Washington* and proceeded to Venezuela. * * *

I have [etc.]

R. S. Reynolds Hitt.

[Inclosure 1.]

Speech of Mr. Knox upon his reception by the President of Guatemala, March 14, 1912.

Mr. President: I received on the quarter-deck of the *Maryland* this morning the courteous message of welcome which you sent to me by the distinguished gentlemen whom I had then the honor to meet. From that moment to the present nothing but expressions and evidences of the most cordial and general hospitality have met my ear and my eye upon every side. I construe this to indicate, Mr. President, that you and your Government and your people accept in its true meaning the purpose of the President and people of the United States in sending me to your country as a messenger of friendliness and good will. The intimate relations and friendship that have heretofore happily existed between our two countries must necessarily grow closer and stronger as Pan-American civilization develops, and they will be much accelerated by the completion of the great commercial highway at Panama, which will in a peculiar sense draw the republics of this hemisphere closer together. I beg you to accept my thanks, the thanks of my party, and, through us, of the people and President of the United States for this dignified and courteous reception, and to assure you that I am encouraged to believe that our short stay among you will be most pleasant and profitable to us, and, I trust, likewise conducive to the closer union and better understanding between the peoples of the two Republics.

[Inclosure 2.]

Reply of the President of Guatemala.

[Translation.]

Mr. Secretary of State: The cordial words I have just heard from your excellency's lips fill me with the liveliest satisfaction, since they express your appreciation of the sincere demonstrations of good will and affection which my Government, in the name of the people of Guatemala, has offered to you upon your arrival in this country, which is enjoying in these moments the great honor of being visited by the representative of a nation with which my country happily cultivates such good and friendly relations.

As the cradle and champion of American freedom, as the flowing fount of human progress and the potent arm of labor, the American Union merits the respect and esteem of every nation and the affection of those who can interpret the sentiments with which its statesmen and thinkers are inspired. From day to day it unfailingly makes new conquests in every branch of human activity. Its influence is bringing about closer relations between the nations of the continent, and the perfect harmony which has always characterized its relations with Guatemala justifies the enthusiasm with which the Government of this Republic welcomes your excellency as a messenger of concord and affection from the Government of the United States to the nations surrounding the Panama Canal, which, upon the completion of this gigantic work, will be more intimately linked with the great Republic of the north by new ties of commerce and culture.

In wishing your excellency and the distinguished persons who accompany you on your visit the most pleasant stay among us, I beg that you please give to His Excellency the President of the United States the thanks of the people and the Government of Guatemala for the honor conferred upon them by the visit of His Excellency the Secretary of State of that nation, and present to him my wishes for his personal happiness and the welfare and prosperity of the American people.

[Inclosure 3.]

Speech of Señor Don Luis Toledo Herrarte, Minister for Foreign Affairs, at a banquet given in honor of Mr. Knox at Guatemala City, March 14, 1912.

[Translation.]

Gentlemen: The just rejoicing of the people and the Government of Guatemala in welcoming to their midst his excellency the Secretary of State of the United States is but the natural consequence of the brotherly love inspired by the powerful Republic of the north which for more than a century has been the paladin of American freedom, and constitutes a testimony of the great value we attach to the visit of so eminent a continental personality. Under such happy circumstances Guatemala can not forget the aid which her nascent sovereignty encountered a hundred years ago in the United States, nor the good and loyal friendship she has fostered for it during all her independent life and which is so brilliantly confirmed on the present occasion.

The American Union has won for itself the esteem and admiration of all the civilized world for its progress, which, marked with letters of gold in the world's history, demonstrates clearly the possibilities of the combination of liberty and labor. It is an exemplar in modern ages to the younger nations and worthy of study by even the older countries, which in things politic, as shown in the French Revolution, can adopt the principles of the assembly of Philadelphia and in industry, commerce, and science apply to their respective needs the product of the marvelous progress realized by this wonderful country in every branch of human activity.

A cyclopean work, as though the manifold ones already accomplished were not enough, will soon proclaim, with the opening of the Panama Canal, the greatness and the power of American genius. Thanks to the efforts of man, the obstacles placed by nature between the two great seas of the world will be demolished for the benefit of the peoples of both hemispheres and following this stupendous conquest of labor the activities of the universe will revolve as though around the axis and center of the globe, and the nations on each side will see the rapid development of their resources and of the numberless elements of life which nature so prodigally has lavished upon them.

In this proximate evolution a special place belongs to Guatemala, included, as it is, in the continental zone, where the influence of the Panama Canal will most be felt, and thus once more will American initiative and effort be the promoters of the growth of the industry and commerce of our Republic.

The trade relations of Guatemala with the United States have grown to such proportions, with the facilities offered by railroads and steamship lines, that during the last few years there is no nation with which our country has maintained more active commerce or a more valuable interchange of the products of the soil and industry.

The interest of American merchants and manufacturers in our Republic becomes keener every day, finding new outlets and new practical manifestations, thus giving rise to the most intimate and perfect relationship, which in this way effectively makes for a more binding intimacy, which both countries by mutual effort wish to bring about, since they happily are united by identic sentiments of cordiality and good understanding.

Men of peace and good will direct the Governments of the nations whose flags, now intertwined, symbolize their amicable intercourse, and a messenger of peace and cordial feeling is the illustrious statesman who honors us with his presence in this country, and whom the Government of Guatemala receives and welcomes with the heartiness and sympathy which is due the free American people and to the Government which so skillfully guides its destinies.

Gentlemen, while offering this homage in the name of the Government of the Republic to his excellency the Secretary of State of the United States and the distinguished persons of his party who accompany him, I ask you to drink with me to the uninterrupted greatness of the United States, to the personal happiness of its worthy President, and to the welfare of its eminent representative, who has come to make so eloquent a public demonstration of the friendship of the American people and Government for the people and Government of Guatemala.

[Inclosure 4.]

Reply of Mr. Knox.

MR. PRESIDENT AND MR. MINISTER: You may have thought it strange that, after the courteous toast of the Minister for Foreign Affairs, I did not rise during the playing of your national air. I wanted to arise alone and thus distinctively and by word of mouth to pay my respects to the beautiful strains of your noble national hymn. One can not travel long in this genial clime without exhausting his vocabulary of grateful expressions and thanks. I have much to be thankful for, much to be grateful for, since I came to Central America. From Panama, the most southern of the Isthmian republics, through Costa Rica, Nicaragua, at Honduras, Salvador, and finally here, where I am to say good-by in this beautiful country of Guatemala, I have received nothing but sympathetic kindness; and perhaps, Mr. Minister, one of the things I should be most thankful for is that when I was landed in your beautiful country in a basket in a not particularly dignified manner, when my legs were reaching for something firm upon which I might rest, and I was embarrassed by my own awkwardness, my eyes lighted upon your friendly countenance and that of your charming wife, whose acquaintance I had enjoyed in Washington, and I at once felt quite at home. My journey to this city to-day has been one of continuous delight. Your country surprises me with its beauty and its friendliness. The hospitality of your people cheered me. I was a stranger in a strange land, and nothing to a stranger in a strange land is so encouraging as welcome smiles from those who meet you along the highway. Not only did the adult population of your country greet us cordially, but what touched me most was the little children in their tidy costumes, whose countenances beamed with a genuine welcome, for there is no feigned hospitality in the countenance of the children; and here, Mr. President and Mr. Minister, permit me to say that in the education of your children you are laying an unperishable foundation for institutions of liberty. You are building for Guatemala a foundation upon which tyranny and oppression and injustice can never rest.

Mr. Minister, you spoke of the Convention at Philadelphia, referring, of course, to the Constitutional Convention, which constructed that great piece of statesmanship, the Constitution of the United States, which any American can say proudly and not immodestly is probably the greatest political instrument that has ever been constructed by man. The authors of our Constitution were not solving the problems of North America alone; they were solving the problems of the Western Hemisphere. To-day nearly one hundred and three score millions of people residing upon the Western Hemisphere (and that represents 90 per cent of its entire population) are engaged in trying to perfect the problem of popular government, and the men who worked out the first Constitution that has withstood the shocks of almost one hundred and twenty-five years were not only working out our problem, but they were working out yours. It was a great thing for the world that for fifty years prior to the Convention in Philadelphia, in the colonies of North America, the best talent of that day was given to the study of the principles of government. The works of the great writers upon political science of that epoch had been closely studied for fifty years prior to the American Revolution with a diligence and purpose unparalleled in any other country or at any other time. To illustrate: It has been said on the best authority that important political writings found a larger sale and closer perusal in the colonies of North America than they found in any part of Europe. You of Latin America have received, and you will continue to receive, the benefits of those studies and our experiment. You were not long behind us in demanding self-government, and when the time came when you determined to strike for freedom and to follow the example of your northern brothers we were instantaneous in our sympathetic recognition of your claims. We sustained you by recognition when the great powers of the world looked askance upon the American system of government, whose merits they now so frankly concede. We stood by you in your infancy; we have endeavored to encourage you in your rapidly maturing growth; and I am here in your country to-night to say to you, not only upon my own responsibility but speaking for the President of the United States and for the people of the United States, that we have but one thought for all of the sister republics of America, and that is that we want you to prosper, we want you to grow, we want you to be stronger, we want you to be always peaceful. That is the message that I bear to Guatemala to-night; that is the sentiment which is indorsed by the best elements of my country; and I want to assure the people of Guatemala, and I want to assure you, Mr. President, that in your efforts for your people, in your sincere endeavors to develop your country, in your desire to expand your friendship and to form closer and more binding ties with other nations of the world, Guatemala has the sympathy, as it will always have, where possible, the cooperation, of the United States.

[Inclosure 5.]

Speech of Señor Don Arturo Ubico, President of the Legislative Assembly, to Mr. Knox on his reception by that body at Guatemala City, March 15, 1912.

[Translation.]

HONORABLE MR. SECRETARY: It is for me a great honor and a great pleasure to present, in the name of the Legislative Assembly of the Republic, our most cordial salutation to His Excellency the Secretary of State of the United States of America and welcome him to the midst of this representative body of the nation, thanking him at the same time for the courteous deference with which he has accepted the distinction accorded in his honor, the only one of the kind in the annals of our parliamentary history, and which is due not only to the high personal endowments of so honorable a guest, but also because of his labors in favor of all America, and because he is now representing in this country the American people, who have given us proof of their frank and loyal friendship, and the Government of that illustrious nation, which has always treated us with the most intense and fraternal interest.

As nature has placed the republic of the United States at the head of the continent, so the intelligence of its sons and their constant endeavor have placed it at the head of the civilization of America, and, ipso facto, it is morally bound before the world to secure the peace, the union, and concord of all the American nations as a fundamental basis for the development of their culture and their prosperity and as an indispensable preparation to carrying out satisfactorially the high ends and important destinies which the futures holds in store for them.

Some years ago prominent men of America, inspired with the ideals of Monroe, strengthened still more the basis of an essentially Pan-American policy; and to-day we see this policy converted into a reality and raised to the category of a truly official institution, which has already given excellent results in the economic order of Latin America.

Moreover, a stupendous event of an interest absolutely universal, soon to occur—the interoceanic canal across the Isthmus—would in itself justify, without regard to the wonderful works of civilization the world already owes to the United States, special manifestations of the good will and the gratitude of the nations of the Caribbean Sea, which are so especially benefited by that gigantic work.

From this is to be deduced that, although separated from the United States by ethnological influences, that country is beloved and respected by us, and our geographical position in the center of the Western Hemisphere binds us by ties that are strong and firm and of great practical importance in the strenuous life of modern intercourse; and well-understood patriotism advises us, therefore, that, without forgetting our firm friendship for other nations, we should nevertheless always maintain with the United States a policy of preferential and especial harmony, good understanding, and intimate cordiality, founded, quite naturally, on reciprocal justice and loyal frankness; and I ask your excellency, in the name of the people of this Republic, please so to inform the Government and people of North America, and that you also deign to receive the sincere wishes we extend for their welfare and for the personal happiness of your excellency.

[Inclosure 6.]

Reply of Mr. Knox.

Permit me, Mr. President, to acknowledge and to thank you for the unprecedented honor the National Assembly of Guatemala has accorded me in receiving me in its midst to-day, thereby furnishing an additional evidence of the high regard in which the people and Government of Guatemala hold my country and its people.

Your felicitous reference to the great doctrine announced by President Monroe nearly a hundred years ago, which has since that time been solicitously, scrupulously, and unswervingly adhered to by the Government of the United States, has been a source of great satisfaction to me, and leads me, on passing through the last Central American Republic, to reiterate what I said on landing at Panama, and that is that "in my judgment the Monroe Doctrine will reach the acme of its beneficence when it is regarded by the people of the United States as a reason why we should constantly respond to the needs of those of our Latin-American neighbors who may find necessity for our assistance."

Guatemala is to be highly congratulated because of her appreciation of the fundamental fact that in many things the highest interests of the State can be advanced by friendly coordination with other sovereign states in relation to matters of international common concern. Guatemala's friendly participation in the centennial celebration of her neighboring republics and highly valuable participation in the conferences and congresses dealing with matters affecting Pan-American interests and her prompt ratification of the conventions providing for the unification of currency, weights, and measures, and the improvement of the consular service of Central America, are evidences of high international purposes and show an appreciative realization of the fact that intelligent international cooperation tends to advance the brotherhood of nations. This has been one of the high purposes and most consistent policies of the United States, and we have endeavored in such matters to act in concert with the other powers and to recognize the same high duty. Not only does such international cooperation advance civilization and improve the relations between States, but, as I have heretofore ventured to observe, will hasten the time, which I sincerely believe the future holds in store, when war shall cease; when the nations of the world shall realize a federation as real and vital as that now subsisting between the component parts of a single state; when the deliberate international conjunction of the strong shall universally help the weak; and when the corporate righteousness of the world shall destroy the habitations of injustice still lingering in the dark places of the earth.

Those ends so much to be desired, and so beneficial to humanity, are accelerated by the recognition of national interdependence and such international coefficiency as the statesmen of your country have encouraged in the matters to which I have alluded.

Speech of Señor Licenciado Don Manuel Cabral, Dean of the University of Guatemala, when conferring a degree upon Mr. Knox, March 15, 1912.

[Translation.]

Your Excellency: The significant fact of having among its members the most eminent personalities in the divers branches of human wisdom has ever been an honor and a glory to scientific and literary institutions, and because of this the most learned universities of Europe and America have been proud to have inscribed in their registers the most illustrious of the wise men of the world. This is a pride all the more legitimate, inasmuch as science and letters do not recognize frontiers and are the bonds which unite in fraternal intellectuality the minds which, by their culture, nobly represent their respective countries.

To-day one of the most notable figures of the great American Nation arrives upon Guatemalan soil, and this institution of learning, heir of our ancient and glorious university, the true alma mater of Central America, feels immense satisfaction and considers the inscription of the enlightened name of your excellency in the catalogue of the persons already there an event of inestimable value, and I have the honor to clothe you with the highest of our academic titles, with the grade of Doctor of Laws of the Facultad de Guatemala. At the same time this center of science wishes to tender you its homage of sympathy, respect, and admiration for the great qualities which adorn you, and which make you one of the most distinguished citizens of the most populous of democracies and an illustrious lawyer who, at home and abroad, adds so much brilliancy to the American forum.

Guatemala and the United States, your excellency, have always conserved the most perfect friendship. Never has even the lightest cloud arisen to darken the clear horizon of our countries, and these relations of cordial amity have been strengthened of late, thanks to the frequency of our intercourse, to the better understanding of our peoples, to greater mutual intimacy owing to their common ideas and aspirations, to the daily increasing commerce, and to the wisdom and patriotism of our respective Governments, who, by the rectitude of their acts and the faithful performance of their international duties, have succeeded in maintaining between the two peoples an unbroken peace, which is the fountain of all happiness and all progress.

The Facultad de Derecho y Notariado, an important organism of the State, charged with arousing and fomenting among its citizens the love of institutions and of the study of law, which is the principal base of national felicity, is not, nor can it be, unconscious of this good understanding, and now that one of the most illustrious citizens of the great land of Washington and Lincoln honors our country with his visit it takes the keenest pleasure in proffering him this humble evidence of its affection and its respectful appreciation.

May your excellency deign to favor it with your acceptance as a souvenir of your visit to Guatemala. We, in our turn, shall ever guard your name with respectful affection among the members of our profession, and the day in which you honored us by permitting us to inscribe your name prominently in our register will be an imperishable memory.

[Inclosure 7.]

Reply of Mr. Knox.

Gentlemen of the Faculty: The unprecedented act of this ancient seat of learning in conferring upon me the honorary degree of Doctor of Laws, with notarial powers, is an honor of which I am indeed proud. If, as I understand my informants, at no time and to no one has the university extended so marked an evidence of its good will, it is a distinction of such an unique character that while I feel unworthy of receiving it I am sure I shall always bear it in grateful remembrance.

The law was my first love, and, although she has always been termed a "jealous mistress," yet, after a quarter century of devotion, I was lured away by the blandishments of political life, but I am not without hope that time holds for me the good fortune of a return to the profession.

Let me again express to you, gentlemen of the Faculty of the National University of Guatemala, my gratitude and my thanks.

[Inclosure 8.]

Speech of His Excellency Don Manuel Estrada Cabrera, President of Guatemala, at a banquet given by him to Mr. Knox, March 16, 1912.

[From Diario de Centro America of March 19, 1912.—Translation.]

It was indeed a happy thought of His Excellency the President of the United States of America to intrust to his worthy Secretary of State the mission of frank and loyal friendship which confers upon us, in addition to the honor of having him among us, the truly singular pleasure and satisfaction derived from the fact that one of the most eminent citizens of the New World bears to Guatemala a message of fraternity and good will from the American people.

The relations of intimate sympathy and mutual attraction which have always been carefully cultivated by both peoples and Governments tend each day to produce most flattering results through a reciprocal understanding in official matters, through the better acquaintance of their respective citizens with each other, and through the development of commerce, which not only consists in an interchange of products of the soil and industry but which also disseminates ideas of civilization and progress.

I value and take pleasure in the presence of his excellency Mr. Knox in this country to the fullest extent and he can not do otherwise than inspire my utmost appreciation of it. It constitutes a pledge of greater intimacy—which has always been my prayer, and I am happy to see it realized—between Guatemala and the United States, as the immediate result of geographic situation, of historical conditions, and of hopes for the future, which, combined, constitute a collection of facts and principles which controls the evolution of the twenty-one sister republics of the Western Hemisphere.

While experiencing the extreme pleasure of the moment, I am especially pleased to perform the grateful duty of expressing my sincere thanks to His Excellency Mr. Knox for his delicate courtesy in that he is accompanied by persons dearest to the sentiment of a highly cultured gentleman; and may I be permitted to render the homage of my respectful esteem to the distinguished Mrs. Knox, who, together with her estimable children, honors us by participation in the demonstrations which Guatemala is so happy to offer to the great Republic through its eminent representative.

It gives me honor and pleasure to drink to the ever-increasing prosperity of the United States of America, to the personal felicity of His Excellency President Taft, and to that of his eminent Secretary of State and Mrs. Knox.

[Inclosure 9.]

Reply of Mr. Knox.

Mr. President, Ladies, and Gentlemen: Permit me, in my own behalf and in the name of my countrymen, to thank you for the cordial welcome and bountiful hospitality you have extended to me and to my family.

Beginning for the fourth time the journey from ocean to ocean in Central America, it is with a feeling of regret that I realize that the brevity of the time at my disposal does not permit me to travel more extensively through these countries, to enjoy the pleasures of the wonderful scenery which so beautifully reflects the magic touch of the lavish hand of nature, and to gain the educational advantages which observation and friendly communication with the people so abundantly afford.

Guatemala, in its position of close proximity to the United States, where there is ever ready an eager market for its products, and with its dense population, occupies, indeed, an enviable position among the Central American nations. This position will be rendered increasingly desirable as time goes on and the development of your country's enormous possibilities is accomplished. And, Mr. President, I may here remark, without, I am sure, indulging any view not equally shared by yourself, that the continuous development and permanent advancement of the Republic depend on its stable economic conditions as well as upon its domestic content and consequent repose. The unvarying friendship of the Government of the United States for republican institutions in this hemisphere and its desire to see them conserved free from interference are too well known and understood to need words of reassurance from me. From the very inception of, and even before the independence of, the Latin-American nations the attitude of the American Government, which later was unmistakably announced by President Monroe, was well known and it continues undiminished to the present day.

In Central America the United States has a special interest not only because of the proximity of the five republics to the great commercial highway now nearing completion in Panama, but also because of its moral obligations under the Washington conventions. The maintenance of peace and stable conditions in these republics is a matter of first importance to my Government. The faithful observance of these conventions will, in the opinion of my Government, go far toward the elimination of the turmoil that has hitherto shaken the very foundations of some of the less fortunate and less tranquil countries.

It is the sincere and candid desire of the United States to maintain and advance to an even higher degree frank and cordial relations with all the republics in this hemisphere, and to that end the President directed my present mission that, by personal contact, I might become better acquainted with the men who direct the destinies of these states, in order thereby to promote better understanding and mutually advantageous relations. That the friendship of my Government toward these states is frank and sincere needs no demonstration other than a consideration of the record of the past, and no words from me can half so eloquently deal with the situation or manifest the true attitude of my Government as can its acts toward its sister republics. The United States, unfortunately, has many times been misrepresented in the past by those unscrupulous persons who, through an endeavor to promote their own gain, falsely represent the sentiments of the American people with regard to this or that nation of Central America.

It is a matter for rejoicing to everyone having faith in the great destinies of this continent to observe that in this Republic a large stretch of steel way which will at some time, in the not far distant future, connect the capitals of all the sister states of this continent with each other has been completed. The completion of the Central American link will be the first step in the grand project of the three Americas' trunk line from New York to Buenos Aires. With the proximate inauguration of the Guatemalan section of this system there will be through railway connection from New York to Guatemala City.

The effect of a through trunk line of railroad on the countries of Central America would be to sow the prolific seed of communication in rich districts and the consequent development of mutual commerce and the advantageous exploitation of boundless native resources. To this great central artery the transverse lines from the Atlantic to the Pacific, acting as feeders, would contribute to swell the international traffic.

In conclusion, Mr. President, allow me to indulge the hope that the relations between our respective countries may become increasingly cordial and close, to the mutual benefit of both, and for your warm welcome and your cordial and graceful hospitality and entertainment to sincerely thank you.

HAITI.

MESSAGE OF THE PRESIDENT, JEAN JACQUES LECONTE, TO THE CONGRESS, APRIL 1, 1912. REPORT OF THE MINISTER FOR FOREIGN AFFAIRS.

File No. 838.032/8.

The American Minister to the Secretary of State.

American Legation,
No. 1093.] *Port au Prince, July 5, 1912.*

I have the honor to enclose herewith copy of the reports of the different departments of the Haitian Government submitted to Congress upon the opening of that body of April last.

I have [etc.]

H. W. Furniss.

[Inclosure 1.—Extract.—Translation.]

Message of the President to Congress.

Gentlemen. I have the honor, by this message, to hand to you the General Statement of the condition of the Republic. * * *

In reporting thereupon the Ministers have at the same time placed before you the efforts of the Government to ameliorate the conditions bequeathed to us by former administrations.

In the first place, I am glad to inform you that in the midst of this effort to better conditions the Republic is maintaining the most cordial relations with friendly powers. In proof thereof I need but cite the very courteous visit, at the beginning of this month, of the distinguished representative of the greatest Republic of the New World.[1]

In regard to the nation that is our nearest neighbor, the Republic is doing all that it can to strengthen more and more the friendship that unites us, which will always be the principal guaranty of our territorial integrity.

Report of the Minister for Foreign Affairs.

[Inclosure 2.—Extract.—Translation.]

Gentlemen: The examination of the numerous claims which we have found pending has absorbed and continues to absorb precious time. France had 38 of which 16 were for Syrians; Germany 14; American citizens 10; Great Britain 6; Italy 4; Denmark 1; Holland 1; Spain 1; Belgium 1; Dominican Republic 2. It was necessary to attend to them immediately, for certain foreign Powers had come to an understanding for the purpose of forming an international commission with a view of obtaining or imposing settlement.

In fact by a collective note dated December 22, 1910, which, nevertheless, was not signed by the American Minister, the Governments of Great Britain, France, Germany, United States and Italy proposed the formation of that commission, in which each one of them would have a representative. Haiti would have only one vote, since they gave her only one member. On July 4, 1911, a new collective note, bearing this time the signature of the Minister of the United States, was addressed to the Department of Foreign Relations by the representatives of the same Governments to announce their intention of organizing the commission if within a period of three months the difficulties pending had not been decided. It was a critical moment for the country. The new Government had scarcely been established when the Consulate General of Great Britain returned to the question. The Department hastened to state its intentions, and since then in interviews with the several signers of the collective note we have not failed by formal assurances to show our great desire to reach a prompt settlement. At the same time we refused even to admit the principle of an international commission.

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[1] See infra "Visit of the Secretary of State to Haiti."

Faithful to its promises, the Government did not delay in giving proofs of its good faith. In fact, on October 14 last it granted, through the intermediation of the Legation of France, an indemnity of $8,000 to Mr. Prosperi, the father of that unfortunate young man who disappeared under the painful circumstances which are known.

On the request of the German Legation on October 20th we cleared the title to the bonds in the case of Mr. Samietz and likewise put an end to the dispute relative to the bonds of the Public Debt belonging to Mr. Ahrendts and to other German subjects.

On November 15th following, the American Legation collected at the Banque Nationale de la République d' Haiti the equivalent in principal and interest of the bonds delivered in the past in payment of the Heuvelman, Haven, Tecla Arci and Oaksmith claims.

Contrary to all expectation, the Department of Foreign Relations received December 8, 1911, a new collective note almost identical with the one of July 4. The period of three months was prolonged to April 4th. In a note as firm as it was courteous the Haitian Government protested against all attempt at forming an international commission, declaring ourselves willing, however, to refer to arbitration in the usual form all differences that it had not been able to settle otherwise.

This incident did not prevent us from continuing the examination of the claims presented by the citizens of the different foreign Powers. And on January 30 last the Department of Foreign Relations liquidated with the Consul General of Great Britain all the disputes pending up to that date. Hence it is that the Consulate General of H. B. M. took upon itself to indemnify Messrs. Julius Schama, Aaron Macnally, Samuel Lewison and Misses Idelie Angus, Elmiro Peters and Ellen Coban.

In the course of the same month of January, Doctor Terres, United States Consul, who had been previously chosen as umpire in the case of Mr. Ciplon, a Frenchman, rendered a decision in favor of Haiti. The claimant alleged that he had been the victim of a denial of justice. On the other hand, in carrying out two arbitration decisions against us by the same umpire, it was necessary to pay the sum of $7,000 to Messrs. Cauro and Massoni, French citizens.

In February our differences with Italy were ended by general settlement accepted by the Consul of that country. And the amounts granted by the Haitian Government were by its intermediary divided between Messrs. Francesco Paolo, Michel Senisse, Giuseppe Casale and Madam Gaetano Guadagnole.

We have, therefore, no differences with Great Britain and Italy. And if it is not possible to say as much of France and Germany, it is because the claims presented by the citizens of those Powers are more numerous or that they require a more careful examination. They will soon be settled, as well as those submitted directly to my Department by some citizens of the United States.

In the meantime the Syrian question presented itself. You know how much it has agitated public opinion.

On all sides, they called out energetically for the carrying out of the law of August 10, 1903. It was necessary to protect the nationals against the dishonest competition of the Levantines often of uncertain nationality; it was also necessary to protect the public health.

The Government, therefore, decided to act and refused licenses to a certain number of Syrians. At once the representatives of France, the United States, Dominican Republic, Great Britain, Cuba and Italy addressed to us identic notes tending to ask us to repeal the measure. Our reply was a precise statement of the question and an affirmation of our right to issue laws for the national protection. And we added that Haiti only followed the example of the United States, whose measures of exclusion against the Chinese are known to all. The Department maintained its views. However, the Haitian Government decided to grant licenses to persons of Syrian origin who, residing in Haiti, had obtained another nationality before the law of 1903.

While we were occupying ourselves with the Syrian incident, the question of our frontier limits absorbed the attention of the Department. Desirous above all of establishing on a solid basis the relations between the two peoples that divided the sovereignty of the Island, the present Government manifested from the outset the intention of again taking up the negotiations which were going on at Washington, and that had been interrupted by circumstances. Therefore, it hastened to furnish our new representative in the United States, Mr. Solon Ménos, whom it would be superfluous here to praise, full special powers, and to confer on him the mission of bringing to a good ending the negotiations which had already lasted too long.

The tragical death of President Cáceres happened to further delay the solution. As soon as this terrible news was confirmed, the President of the Republic hastened to cable his condolences to the Dominican people and to the widow of the unfortunate President. The election of Senator Eladio Victoria to the Presidency of the Dominican Republic and the sending to Washington of Mr. Peynado, the new Minister Plenipotentiary, permits us to hope that the examination of the frontier question will be immediately resumed.

In the meanwhile, it is our duty not to allow any attack on our rights. Therefore, we have occupied ourselves about reestablishing the statu quo before the Pedernales incident. And the Republic of Haiti has restricted itself to reorganizing the Posts at Bois-Tombé, Tête-à-l'Eau, Bois d'Ormes which have never ceased to form a part of its territory.

While deploring the civil war which is flooding with blood the neighboring Republic, we must not hide from you the sacrifices which we are obliged to impose upon ourselves with a view of preventing any hostile act being committed on our territory against a friendly Government. And we hope that the Dominican Government will finally be convinced that we have neglected nothing to that end.

Besides, the Blue Book, which my Department will publish soon, will give an idea of what we have done to defend our rights as well as to preserve and strengthen the good relations with all the friendly Powers.

These relations we can give you the assurance have remained the most cordial. And it is with pleasure that we particularly thank the President of the United States for having, on the 1st of January last, kindly shown his sympathy for the Haitian people by the telegram that he sent on that day to the President of the Republic. There is in that a delicate attention which the recent visit of Mr. Knox renders still dearer. That visit, of which the country preserves the best remembrance, cannot fail in strengthening the friendly bonds which unite us to the great Northern Republic.

ABROGATION OF THE RIGHT OF SYRIANS TO TRADE IN HAITI. RIGHTS OF AMERICAN CITIZENS OF SYRIAN BIRTH.

File No. 838.111/34.

The American Minister to the Secretary of State.

[Extract.]

No. 977.]

AMERICAN LEGATION,
Port au Prince, November 25, 1911.

SIR: I have the honor to inform the Department that the Haitian Government has recommenced to attack the foreign merchants located in Haiti who sell at retail, which the law of October 24, 1876, prohibits.

During the Simon administration no effort was made to enforce the law which, in fact, has not been enforced for more than twenty years, though periodically former governments have attempted to do just what the present Government is endeavoring to do. During the Nord Alexis administration attempts were so frequently made to enforce the law that, upon request, the Department sent various instructions thereon.

At the commencement the campaign seemed to be directed against Syrians, and the Legation was not interested in it. However, during the last two or three days various American citizens of Syrian origin have been molested and I have promptly taken up the matter with Secretary Léger and have informed him that Americans in business in Haiti, though of Syrian origin, must have the same treatment as any other nationals, and unless the law of 1876 is strictly enforced Americans who sell at retail must not be molested.

The law of 1876 prohibits foreigners who are merchants in Haiti from selling except at wholesale and in amounts not less than Gds. 100., today about $23.00 gold. With the increasing poverty of the country this law has not been enforced until now there exist no stores in Haiti which comply with the letter of the law, nor few stores which do not sell at retail as we know it. In fact, practically all the important merchants sell in any quantity in accord with the purchasers' requests.

The stores here run by Americans are for the most part a credit to us. They are large dealers in American products. The fact that most of the proprietors are of Syrian origin is of no importance as they all are registered as citizens of the United States in our consulates by order of the Department. The law of 1903 against the further introduction of Syrians has nothing to do with the prevention of Americans of Syrian origin from enjoying the same rights as might be enjoyed by a native born American.

In presenting the cases of the American merchants to Secretary Léger, while I have been courteous, I have nevertheless been firm in stating that I would insist that American merchants have the same treatment as French or German ones without reference to parentage or racial affiliation, and I have been promised that the matter will be regulated to my satisfaction.

I have [etc.]

H. W. Furniss.

File No. 838.111/41.

The American Minister to the Secretary of State.

[Extract.]

American Legation,
No. 989.] *Port au Prince, December 19, 1911.*

Sir: In further reference to my No. 977 of November 25, 1911, I have to say that the assurances given me by Secretary Léger as reported therein have not been realized. Instead there has grown out of the affair a very serious condition which necessitates the prompt attention of the Department.

Complaints of citizens of the United States of Syrian origin were so numerous, both by personal visits to the Legation and by telegrams from the more remote places, as to necessitate frequent visits to the Haitian Foreign Office to adjust matters. In some instances Americans were cited to appear at court to stand trial for selling at retail, in other cases armed guards were placed before stores and those entering to make purchases were arrested, and in still other cases our merchants were fined and sentenced to prison, but happily these judgments were not executed. As soon as I had arranged for the abatement of one kind of prosecution another kind was initiated and I was kept quite busy arranging affairs.

In every case I insisted that Americans be accorded the same treatment as the most favored of other nations. As Germans, French and others were selling at retail I insisted upon like privileges for my nationals. It was evident, however, that the campaign was being directed against only those of supposed Syrian origin.

On the 9th instant I called at the Department of Foreign Relations to inform Secretary Léger that the branch store at Gonaives of Messrs. Zrike and Company, American, of this city had been closed by the local government of that place and the custom house at Gonaives had refused to permit it to withdraw perishable merchandise. Secretary Léger said he would at once telegraph the officials at Gonaives to remove the restrictions. In the conversation which followed I stated that the campaign against foreigners selling by retail was very detrimental to the good name of Haiti and the annoyances to which the Americans had been subjected was very vexatious and caused an immense amount of unnecessary work for this Legation; that as he acknowledged it was impossible to force universal compliance with the law of 1876, in fact from the standpoint of the masses it was not desirable to do so, I hoped that the campaign would soon end, but that until it did end I could stand for no discrimination against Americans.

Secretary Léger stated that the Government had decided to stop further prosecutions and that an effort would be made in the coming Congress to modify the law so as to make it less onerous, if enforced.

I told Secretary Léger that I had heard the Government intended to refuse the licenses of those of Syrian birth. I reminded him of our naturalization law with which he is acquainted and of which he said he has copies. I stated that the fact that a man had been born Syrian was not taken into account by the Legation, neither was the fact that a man obtained his citizenship by naturalization of any importance; that all citizens of the United States were equal and when their citizenship was certified by our consulate the Legation must protect them. I stated that there are a number of Americans in business in Haiti and I would have to oppose the Haitian Government if an attempt be made to force them out of business solely because it is thought they were Syrian born.

In further conversation Secretary Léger also said that it was his recollection that when he was Haitian Minister at Washington he had an understanding with the State Department, after the passage of the Syrian exclusion act of 1903, whereby the Department agreed to admit the right of the Haitian Government to exclude even Syrians naturalized Americans. He thought I would find this in my archives. I stated that I had recently read everything from the Department subsequent to 1903 and had not noted it and I felt sure that the Department would not consent to discrimination as to birth of those who are now full fledged citizens.

I had arranged to call on President Leconte on the 11th for an informal talk. Before leaving the Legation the official gazette, "Le

Moniteur," was handed me and I noted that it contained a long list of those who have been refused licenses and who must liquidate their business within an appointed time. I enclose herewtih copies[1] of the same. From this it is noted that there are included numerous American firms scattered over Haiti.

I stated to the President that this Legation had nothing to say as to Syrians, but that I should have to insist that all Americans in Haiti be given the same chance as is given to other favored nations. The President seemed to be impressed and said any objection to the denial of license would be considered by the Cabinet if addressed through the Department of Foreign Relations.

At the request of the British representative I, as Dean of the Diplomatic Corps, called a meeting on the 15th instant to consider what action, if any, should be taken relative to the refusal of licenses to our nationals. At the meeting the sentiment was strong against the attitude of the Haitian Government.

The other diplomatic representatives were very desirous of knowing what would be the attitude of this Legation on the different points. I explained that as no emergency existed, after full presentation of the case, I would await instructions before taking any decisive action. It was suggested that a joint note be sent to the Haitian Government. I stated it would be impossible to take part in a joint note without the consent of my Government, but that I was willing to send an identic note if such could be agreed upon. My suggestions as to the matter of the note were accepted, as was also the suggestion that the French and Dominican Ministers should draft the note for presentation at a subsequent meeting of the Corps which was set for the 18th instant.

On the 18th the Diplomatic Corps met and considered the note as presented and with a few alterations the note was accepted. The German, French, British, Dominican and Cuban representatives used the French text, copy of which is enclosed, while I used the English text, copy of which is also enclosed.

The only question of doubt in my mind is as to the status of such Americans of Syrian origin as may have been naturalized subsequent to 1903 and have come here. Relative to such I request instructions. It would appear to me that once we recognize a person as a full fledged American citizen he should have all the rights as such.

I am also desirous of knowing if the Department came to any understanding with Mr. Leger when he was Haitian Minister at Washington, whereby the Department consented to the exclusion of Americans of Syrian origin arriving in Haiti subsequent to the act of 1903, whether naturalized Americans prior or subsequent thereto.

I have [etc.]

H. W. Furniss.

[Inclosure.]

The American Minister to the Secretary of Foreign Relations.

American Legation,
Port au Prince, December 18, 1911.

Sir: There was published in the official gazette "Le Moniteur" of the 9th of this month a notice from the Secretaries of State for Finance, Commerce and

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[1] Not printed.

Interior, making known to the persons named therein that the renewing of licenses requested by them for the fiscal year 1911–1912 have not been accorded them and enjoining these consignee-merchants to liquidate their commercial interests in Haiti as soon as possible within the time fixed.

This extreme measure is brought about by a series of acts for sometime successively undertaken by the municipal authorities against a certain category of foreigners, systematically done with the object of excluding them from exercising commerce in Haiti.

Such a decision, as severe as unexpected, creates for the American citizens to whom it applies a disastrous situation; it is of a nature to cause the ruin of a certain number of my nationals who are established in the country and have exercised therein for a long time, more or less, their profession, under the protection and with the assent of the Haitian Government; it is at the time causing much apprehension as to the interests of third parties, other nationals, who are supplying them with merchandise. Your excellency will permit me finally to observe that such an exclusion, if it is put in practice, will not conform to the spirit of justice and equity, neither to international treaties and usages which tend more and more to facilitate on the basis of an amicable reciprocity the commercial relations between people.

For these reasons and considerations and in view of the legitimate support of its nationals, it also becomes necessary for this Legation to render an account of this affair to the American Government, and I am obliged to request from your excellency the reasons for which the Haitian Government has decided upon the suppression of the commercial establishments of the Americans referred to above. Your excellency's attention is called to the matter in question and this Legation desires to point out to the Haitian Government the propriety of not maintaining the decision referred to and permit those interested to enjoy conditions which have existed up to the present, all of which will contribute to maintain the good relations so happily prevailing between our two countries.

Please accept [etc.]

H. W. Furniss.

File No. 838.111/50.]

The American Minister to the Secretary of State.

No. 1012.]

American Legation,
Port au Prince, January 16, 1912.

Sir: In reference to my No. 989 of December 19, 1911, I have the honor to enclose herewith copies of further correspondence with the Haitian Government relative to the refusal of licenses to certain American firms.

There is also enclosed copy and translation of a note on the same subject which, under date of January 3, 1912, was sent to the Haitian Government by the representatives of Great Britain, France, Cuba, Santo Domingo, Austria and Italy.

I delayed sending my note until the 8th in the hopes that the mail from the States arriving on the 7th would bring me definite instructions from the Department.

I have [etc.]

H. W. Furniss.

[Inclosure 1.—Translation.]

The Haitian Minister for Foreign Affairs to the American Minister.

Department of State,
Port au Prince, December 26, 1911.

Mr. Minister: I have had the honor to receive the note of December 18 current by which you advise me of the notice inserted in the "Moniteur" of the 9th of this month, relative to certain merchants who, being refused licenses, have been requested to liquidate their business in a given time. You add that such a measure was brought about by a series of acts tending to exclude a certain category of foreigners from exercising commerce, that it is of a nature to cause the ruin of a certain number of your nationals; that it does not conform to the spirit of justice and equity nor to international treaties and usages. Finally, you request me to indicate the reasons for which the Haitian Government has taken such a decision which, you assure us, it should have no interest to maintain.

In reply, permit me to affirm to you that there was not in the act to which you have been kind enough to call my attention, anything of a nature to make the slightest change in the excellent cordial relations which so happily exist between our two countries. And you will agree with me that every State is forced to protect its own nationals. Surely it is that duty of protection that has obliged the United States to adopt measures towards foreigners engaged abroad by contract, and towards the Chinese measures of exclusion which everybody knows of. And no one, to my knowledge at any rate, has up to now found these measures contrary to the spirit of justice and equity or not conforming with international treaties and usages. They have, rather, been considered as a strong means of defense against a competition judged prejudicial to the interests of their nationals. It is the same means of defense which the Republic of Cuba, inspired no doubt by the suggestions of the United States, has found it a duty to employ. You can not find it wrong, then, that Haiti in her turn seeks to protect her nationals against the Syrians. And, as you know, the Government of the United States only considers the origin of the Chinese, considering with reason, no doubt, that the latter would easily evade the laws of exclusion by means of naturalization which they would hasten to obtain to be allowed either to enter or to dwell in its territory.

To the preceding reasons I shall request permission to add that the license granted by the President of the Republic is, in the terms of the law now in force, good only for one year. All those who solicit this license know that they can be granted or refused; there is therein a contingency which they surely do not lose sight of. The obligation to request a license and the privilege of granting or refusing it are not peculiar to the Republic of Haiti; they are to be found, for some industries, in other bodies of laws, especially in the laws of certain states of the United States.

The Government brings, in the execution of the existing laws, all the spirit of justice and equity possible. I am pleased to hope that you will agree with me and, in the meanwhile, I take [etc.].

J. N. Léger.

[Inclosure 2.—Translation.]

Identic Note of the Ministers to the Haitian Minister for Foreign Affairs.[1]

Port au Prince, *January 8, 1912.*

Mr. Secretary of State: I have received your letter dated December 28 [26?] replying to that which I had the honor to address you the 18th of the same month on the subject of the notice inserted in the "Moniteur" of the 9th, which constituted a general refusal to renew licenses to all classes of foreigners residing in Haiti among which are a certain number of my citizens.

I can not acquiesce in the manner in which it is set forth by your excellency, nor leave without reply that which, to me, appears to support the arguments presented.

Your excellency brings up the duty of every State to protect its nationals and cites in support of this ground of conduct the example of the United States and Cuba. Now, from my information, in these two countries the measures proclaimed with regard to certain foreigners and particularly to the Chinese treat only of the regulation of the conditions of admission of the new arrivals and does not in any way affect the situation of immigrants already established.

Likewise, in that which concerns the issuance of licenses, if this formality exists in certain States of the American Union, it is a simple mode of proceeding, intended to allow a control of the conduct of the industrials, but its refusal is never a capricious act on the part of the competent authority, it should be delivered in the regular way and based on special grounds setting forth the reasons for which it is opposed, in any case it does not invest it with a collective character and can only arbitrarily and without justified grievance be prejudicial to existing conditions.

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[1] The American Minister's note is not inclosed with the despatch. The following is the inclosed translation of the identic note of the other Ministers.

No similarity can be drawn from these provisions to furnish support of the measure of exclusion, retroactive and in mass, published in the "Moniteur" of December 9th.

In principle commerce is free in the United States; it is equally so in other countries of which certain of the citizens are included in that act of ostracism. Haitians can freely carry on there like or such other commerce or industry. It is, therefore, really only a minimum of reciprocity to justify the respect of all the establishments set up by fellow-citizens working peaceably in Haiti.

They can not believe themselves liable so that the privilege of carrying on commerce, which has been repeatedly granted to them agreable to the laws and by the Government of this country, could be thus abruptly withdrawn without any reason of reproach therefor. In their legitimate confidence in the established state of affairs, they have established places of business wherein capital of a considerable amount is employed and to which the application of such a measure would be their ruin. It would constitute a violation, disastrous for them, of an acquired right, and would thus be in contradiction to the principle of non-retroactivity universally admitted in the matter of law and administration and particularly proclaimed by the Haitian Constitution (Article 17).

Your excellency sets forth in your letter that: "the license granted by the President of the Republic is only valid for one year and may be granted or refused." But I must observe to you on this subject that it would be absolutely abnormal that the refusal could be made by the fact of the existence of a Presidential prerogative and without any special and justified cause which may be charged against the merchant thus struck by so serious a measure.

Finally, and above all the detailed arguments and discussion of texts, this affair is particularly dominated by the high sense of justice, equity and conformity with international usages, such as affirm themselves more and more in modern civilization. I again invoke, and most earnestly, these considerations for the defense of my fellow-citizens.

Basing myself on what I have just had the honor to set forth to you, it becomes my duty to protest against the possibility of the application of a measure so unfriendly to foreigners. I shall make a report of the situation to my Government and if the decision in question is maintained, I must notify it of the utility of giving the greatest publicity to the fact that the liberty and security of commerce had received a serious blow in Haiti.

Please accept [etc.].

File No. 838.111/54.

The Acting Secretary of State to the American Minister.

Department of State,
Washington, January 20, 1912.

Sir: The Department acknowledges the receipt of your despatches Nos. 977 and 989, of November 25th, and December 19th, respectively, with regard to the recent action of the Haitian Government in refusing to renew the licenses of Syrian traders and in ordering them to liquidate their business by May 31st of this year.

This question has been under the careful consideration of the Department, which is impelled to conclude as a matter of right, that, if the law of 1903 is to be enforced, you should require that the Syrian firms in Haiti of American nationality be given an adequate time to wind up their affairs. You may also request that the Syrian firms of other nationalities which are acting as agents of or are debtors of American exporting firms be given this adequate time to liquidate their business. The Haitian Government now proposes to allow six months for this process. It has been alleged that this time is wholly insufficient and that it will be impossible to effect liquidation in that time without a great money loss to the Syrian firms and to their American creditors. If upon due investigation and consideration you are convinced that this allegation represents the fact, you will represent that the six month's period is inadequate and request that an adequate and reasonable time be allowed. It may be pointed out that in addition to Haiti's general obligation under the principles of international law to enforce such a law as the one in question reasonably, Haiti has put itself in justice and equity under an additional obligation to grant such a reasonable time for liquidation by its eight or nine years' permission to Syrians to do business in Haiti, notwithstanding the provisions of the law of 1903.

Should you find that discrimination is being exercised in the enforcement of the law of 1903,—that is to say, that the Haitian Government is permitting certain of the Syrians to do business in Haiti and denying the right to others—you are instructed to object to such discrimination and to demand an explanation of the Haitian Government, insisting that the law be uniformly enforced or not enforced at all.

In connection with this Government's general right in the matter your attention is called to a recent case in Panama in which the Government of Panama asserted its right to prohibit the entry into Panama of a naturalized citizen of the United States of Syrian nativity and the Department instructed the Legation that while it might exert all proper effort to obtain for the naturalized Syrian the most respectful and considerate treatment consonant with the necessary enforcement of the Panaman Immigration Law, the Department did not feel it advisable to take issue with the Government of Panama as to its right to enforce against naturalized American citizens of the designated nationalities of origin (Turkish, Chinese and Syrian) such an immigration law as the one in question, assuming that it was enforced without unnecessary hardship to the persons against whom it was directed. The Legation's attention was directed to the fact, referred to by the Panaman Foreign Office, that under its present immigration laws, it is the practice of the United States strictly to enforce the exclusion regulations directed against the Chinese, for example, irrespective of the consideration that the Chinese seeking admission to our territory may, at the time, owe allegiance to a power whose native subjects are insured the freest access to the United States territory.

In reply to your inquiry as to whether the Department entered into an understanding with Mr. Leger when he was Minister to the United States consenting to the exclusion from Haiti of any Americans of Syrian origin, you are informed that a careful search of the archives of the Department has produced no written evidence of such an understanding although it would appear not unlikely the Department may have made some such admission.

For your information and guidance in this matter there is enclosed herewith a copy of a memorandum of the Solicitor of this Department in which the rights of this Government are discussed at length.[1]

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[1] Not printed.

As a matter of policy, of course, this Government has a deep interest in the present situation because of the fact that a very large percentage of American export trade carried on in Haiti is actually done through merchants of Syrian origin, and the enforcement of the present measures adopted by the Haitian Government would probably more severely injure American trade than any other foreign commerce. You therefore should informally endeavor to discourage the enforcement of this legislation, refraining carefully from asserting any position from which it might be necessary subsequently to recede because of the refusal on the part of the Haitian Government to acquiesce in your views.

I am [etc.]

HUNTINGTON WILSON.

File No. 838.111/56.]

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
No. 42.] *Washington*, *February 8*, *1912.*

SIR: I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to communicate to you immediately the circumstances of the situation which have arisen in Hayti and which have been reported to me by cable. The Haytian Government called upon a considerable number of foreign merchants (more exactly, 114 in number according to a list that has been published) to liquidate their businesses by the end of May next, on the ground that trading licenses have been refused them in virtue of a law precluding Syrians from doing business in Hayti. A time limit which expires tomorrow, has further been fixed for the importation of goods by such firms. These measures have been persisted in, in spite of joint representations of the foreign representatives. It is considered possible that the action of the Haytian Government may have been to some extent influenced by foreign interests desirous of monopolising the Haytian market. Among the firms affected are important British interests and several United States citizens are also said to be concerned.

I am directed by His Majesty's Government to express to you the hope that your Government will at once use its influence with the Haytian Government in inducing them to abandon this policy, and that the United States Government will further instruct its representative in Hayti to join His Majesty's Consul-General in the strong representations which he has been instructed to make. These representations are to the effect that the licenses should be renewed to British firms immediately in every case where British nationality is clearly established; as His Majesty's Government will not submit to withdrawal of a right which British subjects have been accustomed to enjoy and regard the action of the Haytian Government as an offence against international comity. Further, that if redress is refused steps will be taken to secure fair treatment. His Majesty's Consul-General is instructed to make this formal demand with his colleagues, if they receive similar instructions in time, but to act independently if they do not do so.

I am further instructed to inform you that His Majesty's Government cannot submit to such treatment of British subjects and failing compliance of the Haytian Government will be obliged to send ships of war to the Port of Prince. They are desirous, however, of notifying the United States Government beforehand of this possible necessity in order that such action, if it becomes indispensable, may not be open to misinterpretation, and to assure you that His Majesty's Government have no other motive than to obtain the reversal of an unjust order and redress for British subjects.

I have [etc.]

JAMES BRYCE.

File No. 838.111/61.]

The American Minister to the Secretary of State.

[Extract.]

AMERICAN EMBASSY,
No. 1026.] *Port au Prince, February 12, 1912.*

SIR: I have the honor to inform the Department that upon the receipt of its unnumbered instructions dated January 20, 1912, I took up with the Haitian Government the matter of refusing the licenses to those of Syrian origin.

Secretary Léger called according to appointment on the 7th and I read to him passages from the Department's instructions. I took the ground that as the Syrian Exclusion Act of 1903, which did not become a law until June 8, 1904, when it was promulgated, was not retroactive; in fact, Article 17 of the Constitution expressly forbids such legislation. I read with him the Exclusion Act, Article 2 of which makes provision for licensing those not affected by the law. I appealed to his sense of right and justice and said that at this time, when the Haitian Government is desirous of establishing a good name abroad, it would be unwise to attempt to carry out the decree requiring all of Syrian origin to liquidate their businesses.

As to the effect which the decree would have upon American commerce, he seemed to be interested and after more than an hour spent in talking the matter I suggested that with a view to aiding him it might be well for me to call upon the President and informally discuss the matter with him. Mr. Léger said that he would be pleased to have me do so.

I presented the case to the President in much the same way I had to Secretary Léger at my various interviews. I called the President's attention to the wording of the law, which I read to him, and said it was the intent of the law to prevent the arrival of Syrians after the law became effective and not to operate against those who were in business in Haiti when the law was enacted. I explained to him our method of naturalization and the control which the Department of State exercises over registration of naturalized citizens by consulates, etc. I also read to him passages from the Department's instructions, all of which appeared to have a favorable effect upon him.

The President said that Secretary Léger had talked with him on the question the day before and had told him of his (Secretary

Léger's) interview with me. The President said that he desired to be within the bounds of the law and that, since my explanation, he now saw the matter in a different light. He said that, to show his appreciation of my presentation of the matter, he would agree to give licenses to such Americans of Syrian origin as I might certify were in Haiti and were naturalized prior to the enactment of the law.

I pointed out to the President that in accord with our naturalization laws a foreigner must forswear his allegiance to his government upon making application for United States citizenship and that a period of two years at least must elapse before he is given his final papers, and that these are not delivered except after the submission of certain evidence in substantiation of request for the same. As there are one or two Americans of Syrian origin whose final papers are dated 1904, I pointed out to the President that they must have declared their intentions at least in 1902 which was prior to the Exclusion Act; that such persons, therefore, did not become naturalized with an idea of evading the Exclusion Act and should be granted licenses. The President agreed to grant them licenses upon my request.

I then took up the matter of those who are Syrian. I showed the President certified copies of orders given American export houses for goods contracted for delivery late in 1912 and stated that it was impossible to obtain such goods in the open market. As the orders had been given to the factories and arrangements had been made for filling them, it would occasion a heavy loss to our exporters if these goods could not be shipped. I told the President that the execution of the decree refusing licenses would hurt our trade very much; that in reality he was playing into the hands of the German importers in Haiti who imported from Germany and Italy and were not friendly towards his Government; and as the President acknowledged that he realized the friendship of the United States for Haiti, I desired him to show it by granting a more reasonable time in which the Syrians might wind up their businesses if the Government decided that licenses would not be granted to them.

The President said he would grant an extension of time as a matter of justice to such as would prove that there was a necessity for the same. He said, however, that those who are still Syrian, meaning those not naturalized American or otherwise, must leave the country.

As soon as I have a complete list of the Americans of Syrian origin who are on the registers of our various consulates and agencies, I shall take the matter up further with the Haitian Government.

I have [etc.]

H. W. Furniss.

File No. 838.111/56.]

The Acting Secretary of State to the British Ambassador.

Department of State,
No. 1418. *Washington, February 16, 1912.*

Excellency: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you communicate, as under instructions to do so, the circumstances of a situation that has arisen in Haiti by virtue of the intention of the Haitian Government to enforce certain laws precluding Syrians in that country from engaging in commerce, and that His British Majesty's Consul-General at Port au Prince has been instructed to make strong representations in protest in behalf of certain British interests disadvantageously affected. You express the hope that this Government will use its influence with the Haitian Government to induce it to abandon the policy it has entered upon, and you state, finally, that His Majesty's Government cannot submit to the withdrawal by the Haitian Government of the trading licenses that have been granted such Syrians as are British subjects.

In reply to your excellency I have the honor to say that after mature deliberation on the matter this Government, while always desirous of co-operating with His British Majesty's Government in every way possible, regrets to say that in this case it cannot see its way clear to take the action which His Majesty's Government suggests. This Government does not perceive upon what grounds it would be justified, in view of the applicable principles of international law, in disputing the right of Haiti to exclude from its territory persons classed as undesirable by its local law upon avowed considerations of economic and political necessity. And I would observe in this connection that while the present attempt at the enforcement of the law in question is not in terms a measure of exclusion and aims apparently only at the abrogation of trading privileges of the Syrians now in Haiti, a view of the terms of the law as a whole and of the consequences of the enforcement of the particular provisions now invoked leaves the Department with but little doubt that the law in question is an exclusion law identical, in the main, in principle with the Chinese exclusion law now on the statute books of this Government, and wholly identical in effect with the Asiatic exclusion laws which are to be found among the statutes of many other governments. Moreover, considering only the enforcement of the provisions now invoked there would seem, on principle, to be no difference between the enforcement of such provisions and the enforcement of the ordinary exclusion law.

But even leaving aside the general principles of international law, this Government is compelled to the conclusion stated; first, for the reason that there is at present no treaty between the United States and Haiti prescribing the rights of the citizens of the respective countries in the territory of the other; and, secondly, and more importantly, from the consideration that any different conclusion would, as has been intimated, be quite clearly inconsistent with our law practice and our policy in regard to Oriental immigration. And in view of the fact that the statutes of the United States which prohibit Chinese immigration specifically provide that the prohibitions of the acts shall apply to any Chinese person or any person of the Chinese race, whether a subject of China or of any other power, and the further fact that in practice Chinese are excluded from this country, irrespective of their allegiance at the time they seek admission, even when such allegiance is to a power whose native subjects are granted the freest access to the territory of the United

States, it would seem hardly consistent for this Government to demand a suspension of the Haitian law in the case of persons of Syrian nativity who are naturalized American citizens. Moreover, it may not be inappropriate for me here to remark that seemingly the same policy and practice, in regard to Oriental immigration, obtain in the great majority of His British Majesty's colonies,—indeed, the exclusion laws of some of them, notably Australia and New Zealand, are perhaps even more drastic than the regulations of this Government. It would appear, therefore, in view of the established policy and the law and practice of this country as I have just described them, hardly open to this Government to assert that the present action of the Haitian Government is an offense against international comity.

I have the honor to say to Your Excellency, however, that on the 20th ultimo the American Minister at Port au Prince was instructed to require, on behalf of such Syrians as have become American citizens, that the law in question shall be reasonably enforced, and specifically to insist as a matter of right that the American citizens who come within the field of its operation shall be given a sufficient and reasonable time to liquidate their business.

I have [etc.]

HUNTINGTON WILSON.

File No. 838.111/63.]

The American Ambassador to Turkey to the Secretary of State.

AMERICAN EMBASSY,
No. 138.] *Constantinople, February 16, 1912.*

SIR: I have the honor to transmit herewith copy and translation of a note verbale received yesterday from the Sublime Porte, asking the assistance of the United States Government in securing from the Government of Haiti licenses to vendors of Ottoman nationality residing in the Island of Haiti.

I have [etc.],

WILLIAM W. ROCKHILL.

[Inclosure.—Translation.]

The Ministry for Foreign Affairs to the American Embassy.

SUBLIME PORTE,
Constantinople, February 15, 1912.

The Imperial Ministry for Foreign Affairs is informed that the Haitian Government raises great difficulties in the matter of the renewal of licenses to retail merchants of foreign, and particularly of Ottoman, nationality.

As the Representative of the French Republic has already taken steps towards removing these difficulties, the Imperial Ministry will be obliged to the Embassy of the United States of America if it will kindly use its good offices with its Government to the end that the Representative of the United States in Haiti may be invited to join in these steps.

File No. 838.111/61.]

The Acting Secretary of State to the Minister of Haiti.

No. 7.]

DEPARTMENT OF STATE,
Washington, March 5, 1912.

SIR: Referring to the matter which was the subject of our conversation on the occasion of your recent call at the Department, namely, the questions arising out of the proposed enforcement by the Government of Haiti of its law respecting the rights and privileges of Syrians in Haitian territory, I now have the honor to make more definite reply to your inquiries and to explain the present view of this Government with respect to the general situation.

As indicated in our conversation, this Government is not disposed to dispute, as a matter of right, the general right of the Government of Haiti to exclude from its territory persons classed as undesirable by its local laws, or to make and enforce such regulations concerning the exercise of the privileges granted such persons by Haitian laws as may be reasonable and proper under the circumstances, provided, of course, that the measures adopted by the Haitian Government conform to the applicable rules and principles of international law and to the law of Haiti. It should be stated, however, that aside from what may be termed the purely legal aspect of the matter, that is, the technical rights and obligations of interested Governments and individuals under the applicable rules of law, there would appear to be other phases of the situation caused by the enforcement of the Haitian law in question which the Government of Haiti might well take into consideration in order to arrive at a solution which shall best subserve all interests.

I would first observe that from the Department's information it appears that a large number of American manufacturing firms, who annually export to Haiti products valued at some millions of dollars, employ as their local Haitian agents the Syrian firms of American and other nationalities whose operation must cease if the Haitian law in question is to be enforced. Considering especially the case of American exporting firms, apart from the serious money loss which may easily be suffered by them from the non-fulfillment of contracts by their agents, even if a prolonged period for liquidation of the agents' affairs is granted by the Haitian Government, there is of course the further result that the elimination of the Syrian agents will disrupt this valuable American trade and tend inevitably to divert it eventually to other foreign channels. This circumstance naturally causes this Government to view with great regret the course of the Haitian Government under discussion, and I am loath to believe that a realization of the consequences just described will have no effect on the minds of the Haitian authorities in their deliberation upon the wisdom of that course.

It would seem that note should also be taken of the fact that, as you are informed, other interested Governments not only are as much concerned about the present situation as this Government, but are also apparently decided upon a policy of determined and insistent protest against the enforcement of the regulations in question. As was intimated in our conversation, this seems especially true in the case of the Government of Great Britain. In this connection I must observe in passing that if such protest is effective and the Haitian

Government is persuaded to grant trading privileges to any of the Syrians in Haiti, this Government may not of course suffer any discrimination against its nationals and must accordingly require that persons of the Syrian race of American allegiance shall be put upon the same footing as the nationals of other Governments.

In connection with the matter of the protests of the various foreign Governments concerned, I would further observe that it appears from the Department's information that those Governments and foreigners generally who are interested in Haitian commerce regard the enforcement of the law in question not only an unfriendly act but as an unjust one, and, accordingly, view the present policy of the Haitian Government with considerable animosity. The Department is further informed that this effect of the measures recently initiated seem to have raised some doubt in the minds of the responsible Haitian authorities as to their desirability and wisdom.

In conclusion I would suggest that a consideration of the various aspects of the matter indicated above might well dispose the Haitian Government to the view that the difficulties and injurious consequences of its persistence in the enforcement of the law so widely and so seriously complained of would far outweigh the benefits presumably expected from its operation by the authorities who enacted it and those who now desire its present rigid enforcement.

Accept [etc.]

HUNTINGTON WILSON.

File No. 838.111/63.]

The Acting Secretary of State to the American Ambassador to Turkey.

DEPARTMENT OF STATE,
No. 122. *Washington, March 22 1912.*

SIR: The Department has received the despatch (No. 138) of February 16th last with which you transmitted a note verbale from the Sublime Porte asking the assistance of this Government in securing from the Government of Haiti the renewal of licenses to retail merchants of Ottoman nationality residing Haiti.

It is suggested that you reply to the Minister for Foreign Affairs, informing him that the Department has given careful and attentive consideration to this request of the Sublime Porte and regrets that it must instruct you to reply that, while this Government is always desirous of cooperating with the Government of the Sublime Porte in every possible way, in view of all the circumstances of the present anti-Syrian agitation in Haiti, and particularly in view of the course which the matter has taken in the discussions between the American Minister at Port-au-Prince and the Haitian authorities, it is reluctantly compelled to believe that it would be impracticable at this time to issue further instructions to the American Minister along the line of the action understood to be desired by the Sublime Porte.

I am [etc.]

HUNTINGTON WILSON.

NOTE.—On April 1, 1912, the message of the President and the report of the Minister for Foreign Affairs were submitted to the Congress (see ante); the latter's report relates in part to the subject of this correspondence.

File No. 838.111/69.]

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Port au Prince, May 21, 1912.

On May 18 the French war vessel *Descartes* arrived here and will remain pending the settlement of the Syrian question, as I am told by an employee of the French Legation, which is protecting Turkish interests. The Haitian Government seems determined to close, on May 31, all stores operated by Syrians, Ottoman subjects.

FURNISS.

File No. 838.111/76.]

PORT AU PRINCE, *May 29, 1912.*

Some of the thirty-one Syrian firms here are unimportant retailers who could easily liquidate, but others have stocks which could not be disposed of within the time set, extension of which is refused by the Haitian Government.

FURNISS.

File No. 838.111/73.]

The Department of State to the French Embassy.

[Memorandum.]

In response to the inquiry[1] of the Ambassador of France regarding this Government's willingness to join with the French Government in urging the Government of Haiti to accord the Ottoman Syrians in Haiti an equitable extension after June first wherein to wind up their business affairs, the Ambassador of France was informed that the Government of the United States has already independently urged upon the Government of Haiti the desirability and wisdom, with respect to all foreign interests, of foregoing the enforcement of its drastic law. Moreover, inasmuch as this Government has declined to accede to a request similar to the present, made by the Ottoman Government in this matter, it does not see its way clear at the present time to join with the Government of France.

DEPARTMENT OF STATE,
Washington, May 29, 1912.

File No. 838.111/75.]

The Syrian American Club to the Department of State.

[Telegram.]

NEW YORK, *May 29, 1912.*

The Syrian American Club has received reports from Haiti that all Syrians of foreign allegiance who remain in Haiti after May 31st are in danger of attack from Haitian natives upon their lives and property. The majority of the Syrians have departed and only those who had large business establishments are remaining, to close out their business connections. These large merchants are in account largely with United States firms, and a large financial loss will occur if these merchants are not permitted to liquidate. We appeal to you to wire instructions to your Minister in Haiti to obtain further time for these Syrians and protect them in the meantime against uncivilized attacks.

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[1] This was a verbal inquiry made during a call of the Counselor of the French Embassy at the Department a few days previous to the date of this memorandum.

THE SYRIAN AMERICAN CLUB.

File No. 838.111/75.]

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 30, 1912.

The Department is in receipt of a telegram from the Syrian American Club of New York saying that there is danger of attack upon the lives and property of Syrians who remain in Haiti after May 31. If necessary, you will make representations for the protection of American citizens of Syrian origin. You are reminded, referring to the Department's general instruction of January 20, 1912, to insist upon what shall appear to be an adequate and reasonable time for the liquidation of the affairs of such American citizens of Syrian origin as have not for any reason received licenses. You are also reminded of the Department's general instruction that the law must be uniformly enforced and that any privileges given to Syrians of other nationalities shall be given to those who are American citizens.

KNOX.

File No. 838.111/75.]

The Secretary of State to the Syrian American Club.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 30, 1912.

Your telegram May 29th. American Minister has been instructed that if necessary he shall insist upon the protection for American citizens of Syrian origin. The Syrians of nationalities other than American should of course look in the first instance for protection to their respective Governments. The Minister has already been instructed to insist on what shall appear to be an adequate and reasonable time for the liquidation of the affairs of American citizens of Syrian origin.

KNOX.

File No. 838.111/77.]

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, June 1, 1912.

The stores of Ottoman Syrians, and those of Syrians of other nationalities who have not received licenses, were officially closed to-day. Two Americans were affected by this action, but the Haitian Government yesterday promised that their stores would not be closed and it is probable that adjustment in regard to them can be made.

FURNISS.

File No. 838.111/80.]

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 1086.] *Port au Prince, June 19, 1912.*

SIR: Referring to my No. 989 of December 19 last and in order to complete the files of the Department I have the honor to encloso herewith the reply of the Haitian Secretary of Foreign Relations to the identic note sent him by the Legation relative to the abrogation of trading privileges of Syrians in Haiti.

I have [etc.]

H. W. FURNISS.

[Inclosure.—Translation.]

The Haitian Minister for Foreign Affairs to the American Minister.

FOREIGN OFFICE,
Port au Prince, January 29, 1912.

MR. MINISTER: I have had the honor to receive your note No. 560 of the 8th instant, replying to mine of December 28[1] last concerning the notice inserted in the "Moniteur" of the 9th of the same month. This communication, however, like the first which you have taken the trouble to address me on this subject, is identical with the notes of the Ministers of France and the Dominican Republic, the Consuls of England and Cuba, which shows a previous understanding. I can only regret the tendency of the Representatives of the Foreign Powers to profit by the least incident to have recourse to the means of collective or identical notes. In calling your attention to the inconvenience of such practice, I am pleased to hope that I can count on your kind cooperation to aid me to discourage it.

In the meantime, I shall ask of you the permission not to bring into discussion laws actually in force and which the Haitian Government is obliged to execute. I shall take, however, the liberty to remark that the measures of exclusion enacted in the United States and in Cuba especially with regard to the Chinese do not only treat, as your excellency maintains, of the regulation of the conditions of admission of the new arrivals; for the Chinese who are already found on the territory of these two countries can be expelled without considering whether or not the forced departure will prejudice their interests or the interests of third parties. These laws of exclusion have especially for their purpose, as I have previously shown, the protection of nationals against competition deemed prejudicial. The Republic of Haiti, therefore, does nothing contrary to international usage when, in its turn, it strives to safeguard the interests of its citizens. Therefore, it can only be surprised at the menace which is made it to give the greatest publicity to the fact that the liberty and security of commerce has received a serious blow. Strong in its right, the Republic of Haiti will leave such an accusation to the appreciation of all those who have made fortunes in it, as also all those who continue to do a lucrative business therein under a protection which it has never spared.

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[1] Should be 26.

I wish, consequently, to believe that this will end in the recognition of the good intentions with which it is animated and I take this occasion to renew to you [etc.].

J. N. LÉGER.

File No. 838.111/84.]

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 1094.] *Port au Prince, July 5, 1912.*

SIR: I have the honor to inform the Department that the Haitian Government has signed an agreement with certain of the stores owned by Ottoman subjects which were closed on June 1st last, whereby these stores have been allowed to open until September 30th in order to liquidate their stock. There is inclosed herewith a copy[1] of the agreement taken from the official paper, "Le Moniteur".

These are the important stores and I understand from the French Legation that the arrangement was brought about through the good offices of that Legation.

During the past month more than twenty-five of Syrian origin voluntarily left Haiti so that now there are very few remaining.

I have [etc.]

H. W. FURNISS.

VISIT OF THE SECRETARY OF STATE TO HAITI.

File No. 033.1100 K77/222.]

The Minister of Haiti to the Acting Secretary of State.

LEGATION OF HAITI,
Washington, February 15, 1912.

[Translation.]

MY DEAR MR. WILSON: I have had the honor to receive your letter of the 13th instant,[2] relative to the decision reached by the Secretary of State with the concurrence of the President, to visit the capitals of the Republics of Central America and the Caribbean Sea, as well as those of Venezuela and the Republic of Panama and probably, also those of Mexico and Colombia.

I have lost no time in forwarding the happy intelligence to my Government and I am authorized to say to you even now that it will be quite agreeable to President Leconte and his Minister to receive and honor Mr. Knox, who may also count upon the cordial reception of every class of Haitian society.

I also expect that the visit of the Secretary of State, who as President of the Pan American Union will be at home everywhere, will exercise the most favorable influence on the relations of the two countries.

I beg you [etc.]

SOLON MÉNOS.

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[1] Not printed.

[2] The identic letter printed under Panama: "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

Speech of welcome of M. Jérome Salomon, Mayor of Port au Prince, on the arrival of Mr. Knox, April 3, 1912.

EXCELLENCY: To-day offers an occasion of great joy to the city of Port au Prince. The fame of a fine and active intelligence which preceded your occupancy of the eminent post you now fill would alone have rendered you worthy of the most cordial reception on our part, but to your brilliant personal qualities is added your official title, which renders your visit of infinite value to us.

Often the most profound sympathy takes its origin in a mark of attention. In knowing each other, societies, as individuals, develop and strengthen their bonds of friendship. Therefore, Mr. Secretary, your thought of traveling in certain countries of this hemisphere was a happy one. Within a short time, by a supreme and superb effort of man's genius, the dream which the Indian previously cherished in his native imagination—an interoceanic canal—will become a living reality.

Cities, until now remote, will cease to be such. But with the geographical rapprochement an intercommunication of spirit should be effected in order to attain that excellent relationship of "good neighborliness, mutual aid, consideration, and confidence" of which you spoke two years since in your masterly address at Philadelphia.

Human demonstrations are of supreme worth when directed by the heart. It is indeed the heart which directs at this time the great satisfaction felt in this capital at your presence and that of the interesting personages accompanying you.

We are especially appreciative of the flattering tribute rendered us in affording us the pleasure of greeting, in conjunction with yourself, Madam Philander Knox, whose charming kindliness and courteous grace shine with such splendor in your magnificent Washington receptions, and which were so admired on January 1, last, in the superb dwelling of the Pan American Union.

We hope that your excellency will take the same pleasure in your sojourn here as we do in your friendly testimonial toward the first city of this Republic.

Reply of Mr. Knox.

MR. MAYOR: Speaking for myself, sir, and for the members of my party, I wish to express our deepest sense of appreciation for the cordiality of the reception by the officials of the Republic of Haiti, and I wish to place especial emphasis upon the kindliness and cordiality with which we have been received by the people of Haiti. I can assure you, sir, that this has been no more gratifying to us than it will be to the President of the United States and to the people of the United States when I communicate to them the character of our reception here this morning. You have stated most eloquently one of the main reasons why my visit here is one that ought to be not only of advantage to you but of advantage to us, and that is the necessity, because of the proximate completion of the Panama Canal, for the republics and the peoples that are to be benefited immediately by the opening of that great highway to be brought closer together through the means of a more intimate personal acquaintance. I am more than satisfied in the few moments that I have been in Haiti that my visit here will be eminently agreeable. Before concluding, sir, I beg to express for Mrs. Knox her and my own deep appreciation for the graceful compliments you have paid her in your address of welcome and for all of us our gratitude for your extreme cordiality.

Speech of Mr. J. N. Léger, Minister for Foreign Affairs of Haiti, at a luncheon given by him to Mr. Knox, Port au Prince, April 3, 1912.

[Translation.]

Mr. Secretary of State: Upon me devolves the agreeable duty of welcoming you and of thanking you, in the name of the Haitian Republic, for your esteemed visit.

This is the second time that an American Secretary of State has honored us with his presence. The present, like the past, with the folds of our flags once more intertwined, evokes the undying memory of Savannah, where the heroes of Haitian independence rivaled in bravery the intrepid soldiers of Washington. These are ties which can not be forgotten.

I am particularly happy to be, under the circumstances, the mouthpiece of the people and Government of Haiti, because I recall the tender friendship which marks the relations between our two peoples. And your visit, all the more valued on account of the presence of Mrs. Knox, can not but make these relations the more cordial.

If upon our friendship depends the pleasure of your sojourn among us you will both carry from your short stay in Port au Prince the same remembrance which I retain of my mission at Washington, the delicate attentions and the kindly hospitality of the American people, and I do not think it too much to ask that you please convey to that generous people and to their Government our sincere wishes for the prosperity of the United States.

Permit me to raise my glass in honor of President Taft and to drink to the health of yourself and Mrs. Knox.

Reply of Mr. Knox.

Mr. Minister: It is always a great pleasure to renew an old acquaintance. You can imagine how much that pleasure is enhanced by renewing it under these delightful auspices. We recall with great pleasure your mission to Washingon, where you were accompanied by your charming wife and young children; and I know of nothing that has occurred since I have been in your hospitable country that has given me more pleasure than when your good wife told me here to-day that some of the happiest moments of her life were spent in Washington. My pleasure is largely increased by hearing one who sustains the same relation to his own Government as I sustain to mine express the deep desire that the sympathies, the friendliness, and the interests of the two countries should become closer and closer. There certainly is no reason why the Republics of this ancient island, which was the seat of American civilization, and their great sister of the north should not be upon the best of terms. I am glad to say that I know of no reason to the contrary. It is a real pleasure for me to propose the health of the President of the Haitian Republic, your own, Mr. Minister, and that of your good wife and your family, and the prosperity and peace of your people; and to express the hope that they may soon reach that point in their development and prosperity which the rich endowments of nature entitles them to attain.

Speech of President Leconte of Haiti at a banquet given to Mr. Knox, Port au Prince, April 3, 1912.

[Translation.]

Mr. Secretary of State: It gives me great pleasure to reiterate, in the name of the Republic of Haiti, our expressions of cordial welcome. And it is also pleasing to feel that your presence, at this time, among us is an unmistakable evidence of the interest which our great sister of the north takes in us.

You, Mr. Secretary of State, have, without doubt, passed through countries of Latin America that are richer, more prosperous, than ours; a wealth and prosperity which consists, to a large degree, in the same conditions existing when those peoples of this continent won their independence.

But here you will encounter the sincere and loyal expression of our high esteem and our keen sympathies for the people and Government of the United States.

Your visit to us, which we shall cherish as a most precious remembrance, will certainly strengthen the bonds of intimate friendship which unite the two countries, tend to make more cordial our relations, and to develop the economic interests of the two nations.

I pray that you deign to convey my personal respects to President Taft, and that you please assure him that the Republic of Haiti earnestly wishes him happiness and the prosperity and greatness of the American people.

I thank you, Mr. Secretary, in the name of the Government and people of Haiti, for the visit you have been pleased to pay us, and I raise my glass in honor of President Taft, to your health and to that of your friends, and to the success of the mission of friendship and concord which you have undertaken.

Reply of Mr. Knox.

Mr. President and Gentleman: A glamour of historical memories hovers over the Caribbean Sea, and all who feel its influence long to visit the spots where the life of the New World began with the landing of Columbus, and where the foundations of government in the Western Hemisphere were first laid. I have long desired to see and become acquainted with the island world of the Indies. My wish has come to pass through the determination of the President of the United States to have me carry to the neighboring American peoples a fresh message of friendship and good will in the name of his and my countrymen. It was especially appropriate that the President should do this now, on the eve of the completion of the Isthmian Canal, and that the theme of his greeting should be the benefits to flow to all the nations of the three Americas from the opening of that stupendous channel of intercourse which, by annihilating the barrier between the oceans, must perforce change the currents of the world's commerce.

At a time when the obligation which my country has assumed as the agent of the interest of all America and of the world in creating a highway for international commerce is about to be realized, we are impressed with the conviction that the fullest success of our work is, to a notable degree, dependent on the peace and stability of our neighbors and on their enjoying the prosperity and material welfare which flow from orderly self-development. A community liable to be torn by internal dissension or checked in its progress by the consequences of nonfulfillment of international obligations is not in a good position to deserve and reap the benefits accruing from enlarged commercial opportunities, such as are certain to come about with the opening of the canal. It may indeed become an obstruction to the general enjoyment of those opportunities.

It is with political communities as with the human organization, body and soul should be alike sound and sane, each attuned to the other, to fit the being for the struggle for existence in which it is the lot of men and states to be constantly engaged. The old Roman adage *mens sana in corpore sano* is in point for both. Not only must the body politic be healthy, but the public spirit which guides its acts must be equally healthy. Only by the union of these two conditions can a state hold its place in the assemblage of nations, or aspire to win a better station.

It is the fervent desire and the earnest hope of the nation I represent that all its comrades of the American fraternity shall attain to this well-balanced condition, or shall conserve it where already possessed. We wish to see them all independent, contented, orderly, and materially prosperous, each gaining the fullest measure of well-being of which it is naturally and physically capable, each bearing good will for its neighbors and deserving their good will in return. We begrudge the success of none; on the contrary, on the few occasions where helpfulness is possible we have gladly given help.

The relations of the Haitian Republic with the United States have been singularly intimate for many years. The volume of American-Haitian trade is proportionately large. The enterprise of our citizens has contributed to the development of Haitian resources. I look for the time, not far distant, when these relations may be expanded and strengthened, not through any invasive activity on our part, but through the steady self-development of the resources of Haiti under the benevolent sway of peace. Your country has almost incalculable native wealth at command. With a self-respecting energy or purpose; with a contented and thrifty population; with wise counsels in the seats of government, devoting the efforts of the nation to the great work of internal exploitation of natural resources and perfection of agricultural methods; and with the maintenance of peace, without as well as within, you Haitians have a future before you which other less-favored countries might well envy, and which we of the United States would witness with hearty sympathy.

I have a disposition to emphasize the essential condition of peace, at home and abroad, as a need in working out the material improvement of a country. While it is doubtless true that trade and trade extension are the foundation in practical life of most advances in civilization, yet the great modern movements of accord and good understanding between nations are after all the lofty achievements and the crown of all international relations. The controlling principle of these movements is peaceful and beneficial international intercourse and a peaceful settlement by arbitration of differences and controversies—extending that principle, by friendly diplomacy, as rapidly as possible to embrace an increasing number and variety of disputes. The tide of world sentiment is setting strongly toward the accommodation of international controversies by processes of reason and justice; not by defiance and the sword. That tide is sweeping over my own country, where the ideal of universal peace with justice is dear to every heart. Should not we, of the common brotherhood of all the Americas, share alike in devotion to that ideal, and stand mutually helpful toward whatever may assure, by pacific means, peace and good will among brethren?

I thank you for the cordial personal welcome you have given me. I shall long treasure the memory of my visit.

Speech of Mr. Knox at a breakfast given by the Municipal Council at the Bellevue Club, Port au Prince, April 4, 1912, in response to a brief speech of introduction by the Mayor.

MR. MAYOR: I thank you very much, sir, for this additional act of kindness, and we have been the recipients of many acts of kindness since we have been in Port au Prince, in your hospitable country, in your hospitable city, and among your hospitable people. My visit, however, would not, from my point of view, be considered an entire success it it were merely confined to pleasures and the delights of intercourse with the people of this city. I have observed here a thing that makes me very glad, and that is that the Haitians seem to have realized that industry is at the basis of prosperity and that the object of their Government is now undoubtedly to maintain peace at home and peace with her neighbors, so that industrialism, which is the sole foundation of wealth and prosperity, shall proceed uninterrupted. You seem to have discovered, as all nations must discover in their march toward the progress of which they are capable, that the true function of government is not to say to a man, "Work and we will reward you", but to say to all of its citizens, "Work and the Government will secure to you the results of your labor, that it shall not be taken away from you by violence or by injustice". You have discovered, further, I believe, that while the true function of government is not what I have just described, it is this: to honestly collect the revenues, as lightly tax the people as the necessities of the government demands, and then to apply these revenues honestly for the best interests of the country. I am satisfied from a conversation with your worthy President that it is not the intention of this administration of affairs in Haiti to spend the substance of the people upon unnecessary military establishments but extend those great public improvements which make the life of every man better.

These are some of the observations I have made since I have been with you, though the time has been very short and has been occupied very largely with the pleasures of the visit, but I shall carry them home to the President of the United States and to the people of the United States, and I am satisfied that they, with me, will rejoice that everything in Haiti seems to be on the upward move. I beg to pledge the health of the President and people of Haiti and their prosperity.

DEATH OF PRESIDENT LECONTE AND RECOGNITION OF PRESIDENT AUGUSTE.

File No. 838.001/12.]

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Port au Prince, August 8, 1912.

President Leconte was killed this morning in the destruction of the palace by accidental explosion of magazines in which smokeless powder had recently been stored. About one hundred killed. Congress will proceed to elect successor to-day.

Furniss.

[Telegram.—Paraphrase.]

Port au Prince, *August 8, 1912.*

The oath of office as President was administered to Tancrède Auguste this morning.

Furniss.

File No. 838.001 Au 4/2.]

The Minister of Haiti to the Secretary of State.

Legation of Haiti,
Washington, October 3, 1912.

[Translation.]

Mr. Secretary of State: I have the honor of transmitting to you, accompanied by the customary copy, the autograph letter by which Mr. Tancrède Auguste informs the President of the United States of America of his election to the Presidency of the Republic of Haiti.

In begging you to kindly let this letter reach its high destination, I renew [etc.]

Solón Menos.

File No 838.001 Au 4/2.]

The Secretary of State to the American Minister to Haiti.

DEPARTMENT OF STATE,
Washington, October 28, 1912.

[Translation.]

SIR: I enclose, with office copy, a letter addressed by the President to His Excellency Tancrède Auguste, acknowledging his letter of August 19 last in which he announced his election, on the 8th of that month, to the Presidency of the Republic of Haiti and his entrance upon the duties of that office.

You will forward the copy to the Foreign Office and deliver the original in the manner most agreeable to His Excellency.

I am [etc.]

P. C. KNOX.

[Inclosure.]

The President of the Republic of Haiti to the President of the United States of America.

DEAR AND GREAT FRIEND: I hasten to inform Your Excellency that the National Assembly, in its session of August 8 current, has honored me with its high confidence in calling me to the Presidency of the Republic. Having taken the 9th of the same month the oath required by the Constitution in order to assume the exercise of the Executive Power, it is peculiarly agreeable to me to inform Your Excellency of this important event and to give you the assurance that in the elevated post to which the esteem of my fellow citizens has just called me I shall use every endeavor to maintain and to develop the friendly relations which so happily exist between our two countries. In the meantime, I express my sincere wishes for the personal happiness of Your Excellency as well as for the prosperity of the Nation whose destinies have been confided to you, and I avail myself, with pleasure, of this occasion to address to Your Excellency the assurances of the high esteem and of the unalterable friendship with which I am [etc.].

T. AUGUSTE.

[Inclosure.]

The President of the United States to the President of Haiti.

GREAT AND GOOD FRIEND: I have received the letter of the 19th of August, in which Your Excellency announced your election, on the 8th of the same month, to the Presidency of the Republic of Haiti, and your entrance upon the duties of the office.

I cordially reciprocate the sentiments you express for the continuance of the friendly relations which have heretofore existed between the United States and Haiti, and I assure Your Excellency of my best wishes for your personal welfare and for the prosperity of the Republic over which you have been called to preside.

Your Good Friend,

WM. H. TAFT.

HONDURAS.

FINANCIAL AFFAIRS. PROPOSED LOAN CONVENTION BETWEEN HONDURAS AND THE UNITED STATES. PROPOSED LOAN CONTRACTS. GOOD OFFICES OF THE UNITED STATES; ARBITRATION PROPOSAL.

File No. 815.51/222.

Proposed adjustment of the debt of Honduras by the United States.

[Memorandum prepared by the Department of State about September, 1909. Undated.]

One of the most important provisions of the Washington Conventions of 1907 was that for the maintenance from within and the respect from without of the neutrality of Honduras. The five Central American Republics signed these conventions and the United States and Mexico, as advising and consenting parties, have to them an important relation frequently confirmed in respect to the United States by the acts of the five Republics. Thus the seven Governments concerned put on record their appreciation of the fact that the neutrality of Honduras, which forms a broad band across Central America, would contribute more than any other one thing to the peace, progress, and prosperity which all desire to see in those rich and fertile countries.

To maintain its neutrality Honduras must be strong, and the fact is almost too obvious to state that to be strong and stable a government must have its finances well ordered and upon a sound basis.

For these reasons, for some years the Government of Honduras has greatly desired to place its financial house in order, and for the same reasons the Department of State has, for some years, cherished the hope that an American syndicate would come forward prepared to carry out a plan which should be of such undoubted merit and fairness as to justify its diplomatic support by the Government of the United States and the assumption by this Government of such relations to the arrangement as would supply the lenders with a proper degree of security.

The external debt of Honduras consists of the principal and arrears of interest on four distinct loans issued in 1867–1870. Since 1873 all of these loans have been in default.

Anyone who will consult the published reports of the Council of Foreign Bondholders of London will find that this debt reaches on paper the enormous sum of about $110,000,000. This debt has been rolling up for many years and has been increased through a series of contracts and of abortive efforts at consolidation. Honduras itself has little to show in return but a very few miles of railway. All these transactions seem to have been peculiarly unfortunate. That this was recognized by the British Parliament may be seen from published reports. The British lenders were especially active during the period following our Civil War, when there seemed to be a forward movement of British enterprise on the Mosquito Coast, where, it will be remembered, Great Britain has possessions today. An American syndicate also made several efforts to consolidate the debt, but these likewise failed.

Last year the Council of Foreign Bondholders, representing British creditors, drew up a contract for the funding of the debt, and this was diplomatically supported by the British Government. The terms seemed unnecessarily onerous. The scheme also looked to the raising of the customs duties and the mortgaging of nearly everything in sight to the detriment of commerce and future enterprise. Among the properties to be involved in the British scheme were wharves and railways in which certain American citizens had a direct legitimate interest. These considerations led the American Minister to Honduras, acting on his own responsibility, to advise the Government of Honduras not to ratify the latest British agreement. The same considerations were found so cogent that the Department of State supported the Minister in his position.

In June, 1909, the Legation in Honduras telegraphed that Mr. Washington Valentine, the American actually interested in the railroad and wharves whose hypothecation was contemplated in connection with the British loan, had submitted to the Government of Honduras a plan for refunding all its debts. The Minister for Foreign Affairs had asked the opinion of our Minister as to how the Department of State would view such an arrangement with guaranties somewhat like those afforded in Santo Domingo. The then Secretary of State replied that the Department would not then itself suggest such a plan, but that our Minister might express the opinion that any overtures of the kind in question from the Government of Honduras would be received with the strongest possible desire on the part of the United States to be of service to Honduras and to contribute toward bringing about so satisfactory a result as that attained in Santo Domingo.

Referring to the pending plan of the Council of Foreign Bondholders in London, the American Minister to Honduras reported at the end of April:

> I had the honor of a visit on the 23rd instant from President Dávila, who, in the course of a conversation on this subject, indicated that he now realizes how highly disadvantageous to the interests of Honduras the proposed arrangement would be. President Dávila also stated that his Government would be most grateful if, through the friendly offices of this Legation, a satisfactory arrangement could be made with an American syndicate for the general refunding of the entire debt of Honduras. It is most probable that the proposed arrangement with the British bondholders would never be definitely concluded if a responsible group of financiers should send to Tegucigalpa, in the near future, a special financial agent of experience in such negotiations, fully empowered to make an arrangement for the settlement of the national debt, equally advantageous to Honduras and to the refunding syndicate.
>
> In view of the positive guaranties which the American Government now offers to assure the permanent neutrality of Honduras and its consequent immunity from further external difficulties, it should not be difficult to obtain a financial agreement for the refunding of the Honduran debt, which with the official cognizance of the American Government should afford all necessary and satisfactory safeguards for the faithful compliance of Honduras with its engagements in this respect.

The objection of this Government to the British bondholders' plan was a frequent subject of frank discussion between the Department and the British Embassy, and the Department soon reached the conclusion that the United States must either afford an alternative or else withdraw its opposition to the British bondholders' plan.

This state of affairs naturally made more evident than ever the desirability that an American syndicate should be interested in Honduras. The desirability of this had been fully realized by the previous Administration, but with the rich opportunities of domestic investment there had never seemed to be much hope that American capital would flow into this channel.

The first indication of hope was when Mr. F. B. Jennings called at the Department as attorney for Mr. Valentine and showed great interest in the project and expressed the idea that perhaps Morgan and Company, with whom he was also associated, might be willing to interest themselves. This was on May 24th. On May 26th Mr. Jennings wrote a letter to the Assistant Secretary of State, who had had immediate charge of this whole matter and who conducted all the conversations now being referred to, wherein he stated that he found that Morgan and Company indicated a willingness to purchase Honduran bonds at a fair price if the English plan failed and if Honduras should issue bonds secured by the customs. He went on to suggest as a basis, the assembling under American control of the various outstanding obligations of Honduras, and he intimated that Morgan and Company would be prepared to open negotiations with the Council of Foreign Bondholders. This seemed very hopeful but was not regarded as definitive.

Owing to the Department's keen interest, for diplomatic reasons, in the Honduran financial adjustment, whenever anyone at all likely to be interested happened to call at the Department the Honduran situation was freely discussed on the chance that some one might be willing to go into it. In this way, about the middle of June it was discussed with Mr. Albert Strauss, representing J. and W. Seligman and Company, who had called at the Department in regard to another matter.

Similarly, on June 14th, when Mr. James Speyer called at the Department to express interest in the China loan negotiations, his attention was frankly drawn to the Honduran situation. After a long conversation he expressed great interest, and in the course of the same day said that he was prepared at once to send Mr. Steinhart to Tegucigalpa as his representative.

As showing the Department's great desire to get someone interested in this business and as showing its belief that this had not been definitely assured, that it might be difficult, and that the field was open, it may be interpolated here that on the 8th of June there was prepared a letter asking the Department of Commerce and Labor to circulate among reputable firms likely to be interested a circular on the opportunity in Honduras for an American financial group. However, the stage of the British plan and the feeling of the Department that definite initiative should come from Honduras had caused the issuance of this circular to be delayed for more careful consideration.

Mr. Speyer's proposal to send his representative to Honduras seemed a businesslike one, and what Mr. Jennings had said in his letter of May 26th as to what Morgan and Company might do was not at the time understood to be positive; so the Assistant Secretary concluded that Mr. Speyer was the one who really meant to go ahead at once. Therefore to make sure of this, the same day he saw Mr. Speyer the Assistant Secretary addressed to him a letter referring to the conversation and to his intention of sending his representative to Honduras and adding that within two or three days he would have pleasure in writing Mr. Jennings on the subject, when he would also make further communication to Mr. Speyer.

In answering this letter on June 18th, Mr. Speyer referred to conversations which his representative Mr. Steinhart had also had at the Department and said:

> * * * and in accordance with your desires we have decided to send Mr. Steinhart to Honduras at our expense as soon as it can conveniently be arranged.
>
> As you are aware, I am leaving for Europe next week, and I shall take up in London the matter of a settlement with the foreign bondholders.
>
> We are undertaking this task, which involves much expert service and considerable expense, upon the understanding that the Department will cooperate solely with us and render us all possible assistance, and will also instruct its representative in Honduras to cooperate with Mr. Steinhart.
>
> I would be much obliged to you if you would as you suggest, write to Mr. Jennings, who, I understand, represents some American claims against Honduras, informing him that we have actively taken up this matter in accordance with your desires, and asking him to furnish us all the information which he has as regards American claims.

Accordingly, the Assistant Secretary, on June 21st, addressed the following letters to Messrs. Speyer and Jennings, respectively:

> MY DEAR MR. SPEYER:
>
> Referring to your letter of June 18th, I beg to enclose herewith copy of a letter which I have this morning sent by special delivery to Mr. Jennings, and wherein you will see I have informed him that you have definitely undertaken the Honduran business and concluded to send Mr. Steinhart to Tegucigalpa and are entering on negotiations with the London bondholders, in view of all of which facts I ask him to give you in the most helpful manner all information which will tend to elucidate the situation as he knows it and as it concerns American claims and his clients in particular.
>
> From our conversations the attitude of the Department is, I am sure, fully known to you and you are well aware of my own keen interest in the success of this undertaking on account of the excellent effect it should have upon conditions in the locality concerned. I am very glad that you have determined to approach the undertaking with promptness and energy.
>
> Wishing you every success and with many good wishes for an agreeable trip to Europe, I remain, my dear Mr. Speyer, [etc.]

> MY DEAR MR. JENNINGS:
>
> Mr. Speyer called at the Department on the 14th instant and after a long discussion of the financial condition of Honduras and the possibility of the Honduran Government's entering into an arrangement with foreign bankers to fund its whole foreign debt, he informed me that he had concluded at once to send an agent to Tegucigalpa and look into the matter with a view to negotiating if possible an appropriate arrangement for the purpose indicated above. This definite undertaking of Mr. Speyer will, naturally, have the good offices of the Department and of the Legation in Honduras in the manner that such aid is extended in all legitimate and beneficial American enterprises in foreign countries. I may add that Mr. Speyer is simultaneously negotiating with the Council of Foreign Bondholders.
>
> On account of your interest as the representative of Mr. Valentine and, as I understand, of another American syndicate, I advised Mr. Speyer to discuss the situation with you, and I trust that you will in the most helpful manner give him all information which will tend to elucidate the situation as you know it and as it concerns American claims and your clients in particular. Faithfully yours, [etc.]

On June 22nd, Mr. Speyer wrote to express his thanks and added that his partner, Mr. Hans Winterfeldt, would take up the matter within the next few days and that he hoped he would be able to make some progress without too much delay.

On June 25th, Mr. Jennings wrote the following letter to the Assistant Secretary:

> I duly received your letter of the 21st instant advising me of Mr. Speyer's proposed interest in the Honduras matter. As I informed you in our interview yesterday, I was somewhat disturbed, because in May I had presented this matter to Messrs. J. P. Morgan & Co., as I supposed with your approval, and they were prepared to take it up, as I advised you in my letter of May 26th. They have since undertaken active negotiations with the Council of Foreign Bondholders in London, which are progressing satisfactorily, and unless interfered with, will, I think, result in their shortly getting in a position where they can make a definite proposition to Honduras as the representatives of practically the whole outstanding debt.
>
> It seemed obvious to me, as I stated yesterday, that any competition between rival bankers, either with respect to the representation of the bonds or with respect to the purchase of any new bonds from Honduras, would be likely to seriously interfere with the successful consummation of the plan.
>
> I have seen Mr. Morgan since my return and reported to him the substance of our interview yesterday, and explained to him that the present situation grows out of an evident misunderstanding. He does not desire to put any obstacle in the way of any plan which may be preferred by your Department, but he naturally feels that his firm are entitled to some consideration, in view of the fact that they were the first to undertake this business and that they did so upon the suggestion or with the approval of your Department. He has already made certain propositions to the Council of Foreign Bondholders, and before deciding upon the best course to pursue in the present juncture, he wishes to ascertain the exact position of that negotiation. He will get this information by cable as speedily as possible, and I will then write you again upon the subject. Yours very truly, [etc.]

On July 2nd, Mr. Jennings again wrote to say that on June 26th Morgan and Company had been informed by cable that the London Council of Bondholders was disposed to accept their proposition and wished to confer with the British Foreign Office, and expected to give a definite answer within a few days, and that the Council of Bondholders would meet July 7th for final action. Mr. Jennings hoped, therefore, to be able to report the result in another week.

On July 9th, Mr. Jennings informed the Department that the Council of Foreign Bondholders had accepted Morgan and Company's proposition and recommended the bondholders to deposit their bonds at once; that Morgan and Company were now in a position to make a definite proposition to Honduras.

Thus one American syndicate had, entirely by its own energy, gained control of the Honduran indebtedness to an extent which left it alone in position to be the American instrumentality which it had so long been hoped could, with the support of this Government, bring about the desired reform.

Mr. Speyer had not sent his representative to Honduras. The records of the Department show the following direction given by the Assistant Secretary, who happened to be ill about the middle of July:

> Call up Speyer and Company. Ask for the representative of Mr. James Speyer and say that you have been asked to say, by the Assistant Secretary, that after Mr. Speyer had told the Assistant Secretary he was going in for the Honduran business and after he had gone to Europe the Assistant Secretary learned that contrary to his first impression the Morgans had instantly and

energetically taken up the matter and the first thing Mr. Wilson knew he was informed that they had carried out successfully negotiations with the London bondholders and were now practically in control. Mr. Wilson is sorry he was not aware of this before Mr. Speyer became interested, but has no doubt that Mr. Speyer found it out himself before he had taken any particular trouble in the matter. Mr. Wilson asks that you please make explanation to Mr. Speyer on Mr. Wilson's behalf on his return.

(The above was communicated to Mr. Speyer's representative at 3:15 p. m., July 20th. The person talking stated that this was the first intimation that they had received that Morgans had interested themselves in the matter.)

It is obviously impossible that Speyer and Company were seriously interested in this loan and that on July 20th they were still ignorant of Morgan and Company's operations, for it will be recalled that on June 21st Mr. Speyer was frankly referred to Mr. Jennings, and that he himself wrote that he would have his partner see Mr. Jennings promptly.

Meanwhile responsive to the disposition shown by the Honduran Government the Department had informed the Legation at Tegucigalpa of the probable opportunity to interest an American syndicate, and in return the Government of Honduras sent two commissioners to New York to prosecute the negotiations. These gentlemen have not visited the Department, but their negotiations with Morgan and Company are understood to be still progressing.

It is thought that the foregoing will make it perfectly clear that the Department of State has simply sought to find an instrumentality willing to undertake, in response to the desires of Honduras, an undertaking of great benefit to Central America, and, indirectly, to American interests in those countries, and that so far from evincing the slightest partiality the Department dealt with all concerned with the utmost candor, and that if one syndicate rather than another was approached by Honduras, the fact was simply due to that syndicate's prompt action.

File No. 815.51/165 b.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 11, 1911.

On January 10 the loan convention was signed.

KNOX.

File No 815.51/169 b.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, January 11, 1911.

MY DEAR MR. AMBASSADOR: As the Counsellor of your Embassy was told last evening, I yesterday signed with General Paredes, the Special Minister of Honduras, a convention to secure the loan which it is expected will in the near future be made to refund the debt of

Honduras, and in view of the interest of the Council of Foreign Bondholders, I have cabled our Embassy at London to give this information to the British Foreign Office.

I am [etc.]

P. C. KNOX.

File No. 815.51/169 a.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 16, 1911.

The text of the loan convention sent you January 3 is entirely accurate except last paragraph should read "Done in duplicate at Washington this tenth day of January one thousand nine hundred and eleven" and [the same in Spanish]; and is signed "Philander C. Knox, Juan E. Paredes."

KNOX.

61st Congress, 3d Session. Senate Doc. (Executive Series C.)

Message from the President of the United States transmitting a Loan Convention between the United States and Honduras.[1]

[Read January 26, 1911; Convention read the first time and referred to the Committee on Foreign Relations, and, together with the Message, ordered to be printed in confidence for the use of the Senate. Made public August 5, 1911.]

To the Senate:

I transmit herewith for the consideration of the Senate, with a view to eliciting its advice in regard thereto and obtaining its consent to the ratification thereof, a convention between the United States and the Republic of Honduras concerning a loan which the Republic contemplates making with citizens of the United States, to provide for the refundment of its debt and the placing of its finances on a sound and stable basis.

The weighty considerations of national and international policy which counsel the consummation of such an arrangement are so rational and just as not only to commend themselves to earnest attention, but to call for such elaboration and support as it is my duty to give in the fulfillment of my constitutional obligation to consult the coordinate treaty-making power on a matter so intimately concerning the policies of this country in its relations with the neighboring nations of the Caribbean region.

From a very early period of our history it has been alike the policy and the moral obligation of the United States to lend, when required, appropriate countenance and counsel to the Commonwealths of the

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[1] See also Nicaragua, Financial affairs, for message of June 28, last two paragraphs, pp. 1076-1077.

West in all that tends to increase their stability, to promote their welfare, and to maintain and fortify their relations with one another. Emulating the example of the people of the United States in establishing independent statehood, the people of Latin America were not slow to achieve in turn independence of colonial control and to mold their schemes of government on the lines of constitutional subjection to the popular will on which the United States had effected its own enfranchisement. Thus bonds of sympathy were created at the outset, between the several other emancipated nations of Latin America and, naturally, between all of them and the United States. The march of Pan American progress has seen this mutual inspiration and confidence signalized in the splendid position attained by several of the great Republics akin to our own. It has been but natural that this community of sympathy and purpose should find expression, at any time of exceptional need, in trustful recourse to the impartial counsels of the United States, and that the successive administrations of this country, obeying the sentiments of the American people, should feel it appropriate in the spirit of reciprocal good will to befriend those States upon fitting occasion, within the necessary limitations of our own sound national policy.

For nearly a century the history of this country affords many examples of the readiness of the United States to lend its moral support to the Latin-American Commonwealths in their great task of promoting individual welfare and common harmony. In this our course has been responsive and sincere and our aim has been to do good for good's sake, ever bearing in mind that the interests of our country are affected by the common well-being of all and benefited by the maintenance of fraternal amity among all.

This dispositon on our part has naturally been more particularly availed of and evidenced with respect to the Central American Republics. Their propinquity, the direct intimacy of intercourse with our shores, the field they afford for the mutually beneficial influence of the enterprise of our citizens, all tend to foster a feeling of interest as well as of sympathy. We can not but feel solicitous for their welfare, inasmuch as the interests of our own people are sensitive to all that may adversely affect Central American stability.

For three-quarters of a century the earnest solicitude of the United States for the well-being of the Central American countries has been shown unhesitatingly, and upon frequent occasions the offices of the United States have been exerted to assure to them the internal and external tranquillity so necessary to their very existence as sovereign Commonwealths. The action of this Government since 1834 in checking and controlling invasive policies in that region culminated in the Clayton-Bulwer treaty and in the coincident treaties of Great Britain in 1859 and 1860 with Guatemala, Honduras, and Nicaragua by which the integrity of those States was affirmed for the future. While the alluring prospect of eventual interoceanic communication across the Central American territory was an obviously important factor in determining the conventional arrangements then effected, it was but a factor in the problem, the principle at stake being that the integrity, stability, and peace of Central America was a world necessity if a highway for the world's commerce were to be made between the Atlantic and Pacific. Now that the linking of the oceans by the Isthmian Canal is nearing assured realization the conservation of stable conditions in the adjacent countries becomes a still more pressing need, and all that the United States has hitherto done in that direction is amply justified, if there were no other consideration, by the one fact that this country has acquired such vast interest in that quarter as to demand every effort on its part to make solid and durable the tranquillity of the neighboring countries.

One of the most practical applications of this policy was the initiation and consummation of the peace pact between the Central American States, which was accomplished by the Washington conventions of December, 1907. By no act of the last half century has the active and impartial friendship of the United States for that neighboring group of Republics and its jealous regard for their integrity, peace, and welfare been more manifest than in the part taken by us with the cooperation of Mexico in those conventions, for the fulfillment of which, we thus become morally sponsors and have ever so earnestly striven. It behooves the United States to do all in its power toward the full fruition of the benevolent purposes of those engagements, and in no way can our moral accountability be so potently met as by a practically helpful policy tending to insure peace among all the Central American States.

In the instance of Honduras, the occasions for this have been more numerous and more urgent than in the case of other States in a similar stage of development but more favored by circumstances and better equipped to cope with the difficulties of domestic unrest, political intrusion and financial embarrassment. The kindly counsels and aid of the United States have been frequently invoked in behalf of all of them; but it is Honduras, perhaps more than any other, that we have again and again assisted in the honorable composition of its differences. Outside of its relations with the other Central American States, the path of that Republic has been beset also with more than ordinary obstacles in its intercourse with foreign nations. Although richly endowed with natural wealth, its political weakness, its continual internal disturbance and its frequent unsought controversies with its neighbors have paralyzed its just development and impoverished its resources.

The financial embarrassment of Honduras has long been noteworthy. Insufficient revenue has induced repeated foreign loans, incurred without adequate provision for meeting the high interest exacted thereon, resulting in default of payment and in the incurment of still more onerous debts through still more burdensome loans placed on European markets at a large discount. As a consequence, Honduras is to-day a hopeless debtor to foreign countries, tottering under a heavy obligation which it is not within its power to satisfy. That Honduras is absolutely incapable of acquitting anything like the face value of its indebtedness is fortunately evident to its creditors. They have long been disposed to acquiesce in a compromise for the adjustment of their claims, upon terms which obviously would be the more favorable as the security for the refunded obligations should become more substantial through the acquirement of some tangible assurance that the normal revenues of the State, pledged for the payment of the debt, would be integrally devoted to the assigned purpose without danger of impairment by internal turbulence or external pressure.

That Honduras has long been the weakest link in the hitherto fragile chain of Central American peace is an obvious fact, suggesting an equally obvious remedy. In an address which I delivered in Pittsburg in May last, I said:

> Turbulence and unstable conditions in Central America have been a perennial occupation to the Department of State. By the Washington conventions, to which the United States morally has the relation of a party, it was sought to guarantee the neutrality of Honduras, because it has always been felt that a strong and stable Honduras stretching across the center of Central America would contribute more than anything else to the progress and prosperity of the five Republics, the peaceful welfare of which the United States has always promoted.

The strength and stability, so imperatively needful if Honduras is to play its due part in advancing the interests of all Central America, are incapable of realization if Honduras is to remain in its present condition, paralyzed by poverty and resultant unrest at home and a helpless defaulter to importunate creditors abroad. I had these considerations vividly in mind when, in my Pittsburg address, I said:

> Honduras has a heavy foreign debt and its finances are disorganized. American citizens have now an actual interest in the railways and wharves of the country. An American banking house has finally undertaken to refund the debt, rehabilitate the finances, and advance funds for railway and other improvements contributing directly to the country's prosperity and commerce. Such an arrangement has long been desired and our State Department is cordially supporting the project.

It is high time that Honduras should cease to be the football of the contending elements of unrest and ambition in Central America. Its moral, physical, and financial regeneration, under the strongly helpful influence of the United States, would make its conventional neutrality a positive fact and remove it from its present deplorable position as a focus of Central American disturbances. I feel that I can not do better in this relation than quote the emphatic utterance of the Secretary of State in an address upon "The spirit and purpose of American diplomacy," which he made in Philadelphia in June of last year. Speaking of the constant effort of the United States to assist the weaker Republics of this hemisphere in attaining a stature of equality as real as the equality of their sovereignty and in reaching the high level of stability, justice, moderation, and mutual responsibility which characterizes their more fortunate sisters, Mr. Knox said:

> One of the aims of the diplomacy of the United States has been to contribute as much as possible in helpfulness to these ends. True stability is best established not by military but by economic and social forces. A certain area of Central America has been notoriously racked by revolution, and, by a sad history of turbulence and instability, had been robbed of that flourishing prosperity which should be its natural heritage.
>
> While the greater American Republics have long since acquired an industrial and governmental credit comparable to that of the oldest nations, the treasuries of some of the most backward republics have at times virtually succumbed under the weight of exorbitant foreign loans, which, with improvident financial administration, have sunk them deep into debt. The problem of good government is inextricably interwoven with that of economic prosperity and sound finance; financial stability contributes perhaps more than any other one factor to political stability.
>
> The Republic of Honduras is typical as a country laboring under the disadvantages referred to. It has a heavy bonded debt, held in Europe, for which

it has in its national wealth no proportional return. The interest fell in arrears and it became absolutely necessary that the debt be refunded and the finances placed upon a sound basis. At this juncture a group of American bankers came forward prepared to offer terms more advantageous to Honduras than those offered on behalf of the actual creditors. Believing that a strong Honduras would tend enormously toward a stable and prosperous Central America, this Government is heartily supporting the plan for its financial rehabilitation. If the arrangement made proves, upon the closest scrutiny, to be just and equitable, then this Government will be prepared, with the consent of the Senate if a treaty is desirable, to give it such sanction as shall afford the bankers legitimate security for their investment by recognition of such relation as the Government of Honduras may create between the payments due the lender and a proper portion of the customs revenues.

That the domestic welfare of Honduras will be assured by a sound reorganization of its fiscal system is a self-evident proposition. Wastefulness and inefficiency in the collection of revenues can not fail to decrease the income of the State in even greater ratio than economy and efficiency operate to increase it. The good results of effective and safe fiscal reform are shown in the Dominican arrangement under which the augmented revenue not only adequately provides for the governmental needs but now yields a positive surplus actually greater in amount than the total revenue of the State prior to the initiation of the present system of collection. Moreover, the removal of the collecting function from local control takes away one of the main incentives to revolutionary disturbance, when the cupidity of turbulent malcontents is often excited by the material profit to be gained by an even brief control of the customhouses. In its political aspects, too, the Republic is freed from apprehension of intervention on the part of creditor nations. Such intervention is an inherent right of sovereignty and, if unattended by territorial acquisition of American soil by a foreign power, this Government would not necessarily oppose it, especially if our own offers of help had been put aside. It is no part of the broad national policy of the United States to champion repudiation by its neighbors or to encourage them with the prospect of immunity for the irresponsibile contraction of debts which they are not in a condition to discharge; but sound policy counsels our aiding them to get out of debt and keep out of debt. It can in no wise better our good repute to turn a deaf ear to their appeals for a helping hand to lift them from the slough of default into which misfortune may have plunged them; nor could it improve the good will in which we wish to live with our American congeners were we to leave them to make probably harsh terms with their alien creditors, with the alternative of remaining responsible to such international right of redress as the injured parties might invoke.

Besides the considerations of propriety, expediency, and interest which make the present arrangement with Honduras alike desirable and mutually advantageous, its wisdom as an evolution in the direction of far-sighted international policy is to be borne in mind. Honduras is not alone in financial embarrassment. The continual disturbances of other Central American States put them, also, although to a less degree, in the category of prospective borrowers. Within a year past, Guatemala has sought the friendly counsel of the United States regarding the terms of a projected foreign loan, and it is announced, as part of the program of national recuperation put forth by the newly installed constitutional Government of Nicaragua, that the aid of the United States will be asked in effecting a readjustment of the debts of that Republic. It needs no profuse argument to show that the financial rehabilitation of the greater part of Central America will work potential good for the stability and peace of all, and lead to that development of internal resources and expansion of foreign commerce of which they are all capable, and of which they all stand in need.

It is to be observed that the convention now laid before the Senate was drawn, was signed, and now stands binding upon the Governments of the United States and of Honduras, when by them ratified, only in respect to a loan contract when one shall have been negotiated which shall be finally found satisfactory by both Governments and shall consequently be admitted under the protection of the convention.

When the representative of Honduras shall have signed the contract which has long been under negotiation with American bankers, the Department of State will subject it to final scrutiny, whereupon the Secretary of State will furnish the Senate a more detailed account of the negotiations, together with a copy of the contract, in order that the Senate may have available the fullest information for its guidance in the consideration of this important convention.

I commend the submitted Honduran convention, with all earnestness, to the favorable action of the Senate, with a view to the advice and consent of your high body to its ratification at an early day. Taking into account the existing and prospective conditions in Central America, timely action is importantly desirable.

Wm. H. Taft.

The White House,
Washington, January 26, 1911.

Loan Convention between the United States and Honduras.

The Government of Honduras having indicated the desirability of cooperation on the part of the United States for the refunding of its debt and the placing of its finances upon that sound and stable basis recognized as indispensable to assure strength and security of governmental administration, the meeting of foreign obligations, and the tranquility, prosperity, and progress of the country; and the Government of the United States, animated by a desire to promote the peace and prosperous development of all the Central American countries, and appreciating the wish of Honduras to contribute to such development by establishing on a firm footing its own material strength; and it being recognized as necessary, in view of the present conditions of Honduran finances and resources, that, to afford efficient and legitimate security and to obtain the special benefits sought, the Governments concerned should assume a special relation thereto; and the two Governments being convinced that some contract should be negotiated and concluded between the Government of Honduras and some competent and reliable American banking group, said contract to afford a beneficial, just, and equitable accomplishment of the purposes in question, have, with these objects in view, named as their plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

The President of Honduras, Juan E. Paredes, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Honduras on special mission;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following:

ARTICLE I.

The Government of Honduras undertakes to make and negotiate a contract providing for the refunding of its present internal and external debt and the adjustment and settlement of unliquidated claims, for the placing of its finances upon a sound and stable basis, and for the future development of the natural and economic resources of that country. The Governments of the United States and Honduras will take due note of all the provisions of the said contract when made, and will consult, in case of any difficulties, with a view to the faithful execution of the provisions of said contract, in order that all the benefits to Honduras and the security of the loan may at the same time be assured.

ARTICLE II.

The loan which shall be made by the Government of Honduras pursuant to the above undertaking shall be secured upon the customs of Honduras, and the Government of Honduras agrees not to alter the import or export customs duties, or other charges affecting the entry, exit, or transit of goods, during the existence of the loan under the said contract, without consultation and agreement with the Government of the United States.

ARTICLE III.

A full and detailed statement of the operations under this contract shall be submitted by the fiscal agent of the loan to the Department of State of the United States and to the Minister of Finance of the Government of Honduras at the expiration of each twelve months, and at such other times as may be requested by either of the two Governments.

ARTICLE IV.

The Government of Honduras, so long as the loan exists, will appoint from a list of names to be presented to it by the fiscal agent of the loan and approved by the President of the United States of America, a collector general of customs, who shall administer the customs in accordance with the contract securing said loan and will give this official full protection in the exercise of his functions. The Government of the United States will in turn afford such protection as it may find requisite.

ARTICLE V.

This convention shall be ratified and the ratifications hereof shall be exchanged at Tegucigalpa as soon as possible.

In faith whereof the respective plenipotentiaries have signed the present convention in the English and Spanish languages and have hereunto affixed their seals.

Done in duplicate, at Washington, this tenth day of January, one thousand nine hundred and eleven.

PHILANDER C. KNOX. [SEAL.]
JUAN E. PAREDES. [SEAL.]

File No. 815.51/180.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tegucigalpa, January 31, 1911.

The Honduran Congress rejected the Loan Convention to-day, 33 to 5.

MCCREERY.

File No. 815.51/187.

Mr. Charles A. Conant to the Secretary of State.

NEW YORK, *February 6, 1911.*

DEAR SIR: I beg to reply herewith to your request for my views of the financial aspects of the proposed loan by American bankers to the Republic of Honduras, made under the convention by which the United States proposes to cooperate with Honduras in the matter of collecting the customs revenue.

After careful examination of the text of the proposed contract, of which copy is enclosed,[1] I am satisfied that its terms are just, equitable and beneficial to the Republic of Honduras and are as favorable as she could reasonably be expected to secure from responsible banking houses in view of the present and recent condition of her finances.

The proposition embodied in the agreement between the Republic of Honduras and the bankers is, in brief, that an issue of $10,000,000 in five per cent. bonds is to be authorized by the Republic, of which a sum of $6,354,000 is to be taken at once by the bankers. In exchange for these bonds the bankers are to deliver to the Republic old debt to the face value of about $19,750,000 and cash to the amount of $2,100,000 (U. S. gold), which is to be applied to the adjustment of certain internal claims, and to the improvement and extension of the Interoceanic Railway and the acquisition of said railroad and of wharf properties, including the adjustment of claims against such properties.

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[1] Not printed.

Of the remaining $3,646,000 of bonds, the sum of $1,146,000 is to be held for the redemption of old bonds at the rate of $170.46 for each bond of $1,000 face value, this being equivalent to a rate of 15 per cent. in cash, with the bonds at 88; and the balance of $2,500,000 is to be held in reserve, to be issued in future for public improvements, if found advisable.

Put in tabular form, the bonds authorized are to be applied to various purposes in about the following proportions:

Redemption of old debt under existing option	$3,366,000
Held for redemption of old debt, when presented (balance after five years may go to improvements)	1,146,000
To pay for cash for settlement of internal claims and railway and wharf property	2,386,000
To cover expenses and charges	602,000
Held for future internal development	2,500,000
	$10,000,000

The essential benefit of the proposal lies in the fact that it would enable the Republic of Honduras to readjust a foreign debt amounting in the original principal to about $26,000,000, and now with accrued interest to more than $124,000,000, by the issue of bonds to the amount of about $4,512,000. The principal of the old debt is reduced, by the offer which has been accepted by a large majority of the bondholders, to about 15 per cent. of its face value, and the reduction of the entire claim is to about four per cent. of its gross amount. It is obvious that a readjustment upon this basis, if it is acceptable to the bondholders and will result in the restoration of order to the finances of the Republic, involves important advantages to the Republic.

The bankers take the new issue of bonds at a rate of exchange which is equivalent to a price of about 88 per cent. of par. The Republic could hardly sell bonds at a price as favorable as this, or anything approximating it, without the friendly cooperation of the United States, in some such manner as is embodied in the proposed convention. This cooperation should contribute to inspire confidence in the payment of the interest and principal of the bonds as they become due, so far as the resources specifically set aside by the convention and by the agreement shall prove adequate for this purpose.

These resources, so far as they consist of receipts from customs, do not appear to afford at present an excessive margin above the requirements of the contract. Estimating the customs receipts at $800,000 per year (U. S. gold), they would be drawn upon to the extent of $375,000 for the interest on $7,500,000 in five per cent. bonds and to the amount of $75,000 for a sinking fund of one per cent. per year. This would leave for the expenses of collecting the customs and for payment to the general Treasury of Honduras about $350,000. If, however, the entire amount of bonds authorized,—$10,000,000,— were issued, the requirements for interest and sinking fund would be $600,000, and the balance for other purposes would be only $200,000. Experience in Santo Domingo seems to show, however, that collections increase materially under a more rigid administration.

The ultimate profits of the bankers and of those through whom they distribute the bonds will depend upon the price at which the bonds can be sold to the public. For the $7,500,000 in bonds to be immediately issued (exclusive of the $2,500,000 reserved for issue in the future), the bankers will pay in cash about $2,961,000 for $19,750,000 (£4,050,000) in old bonds now under option at 15 per cent.; $1,008,500 for old bonds not yet under option; $2,100,000 for the railway and pier and for adjustment of claims; and about $529,900 for legal and other expenses, making a total of $6,600,000. This total is the exact equivalent of $7,500,000 in bonds at 88. For each point of one per cent. above the price of 88 at which the bonds can be sold by the bankers to the public, there will be a profit (if all are sold at the same price) of $75,000.

These figures include, however, the profit to be derived by the bankers from the exchange of $1,146,000 in new bonds for old bonds outstanding, a portion of which will be delayed in presentment and a portion will probably never be presented. Upon the bonds reserved for future issue, to the amount of $2,500,000, the option will remain with the Minister of Finance of the Republic to authorize their issue only when the terms offered by the bankers are satisfactory to him. It is to be considered that, even if a fair ratio of profits is obtained by the bankers, it will be at the expense of much greater labor and delay than ordinary loans at home. An issue of railway bonds for $50,000,000, for instance, if sold at a commission of two per cent., would afford a profit of $1,000,000, with much less labor for investigation, than this issue of $10,000,000 to replace obligations which have been long in default.

While the acceptance and execution of the proposed convention with the United States and of the proposed contract ought ultimately to give to the securities of Honduras a credit and value approximating to those of the Dominican Republic, the conditions under which the bonds are to be issued do not justify the expectation of such results at once. The first offer made for the Dominican five per cent. bonds was 96, and the price at which they were ultimately issued was 98½; but before the first offer the modus vivendi under which an American acted as receiver of customs had already been some time in force and a considerable sum had been deposited in a New York bank for the service of the debt. These events confirmed the belief that the proposed system could be successfully carried out and that the amount realized for the service of the debt would be more than sufficient for the purpose. Remittances to New York on account of the debt service under the modus vivendi of March 31, 1905, down to August 31, 1907, were $3,318,946.97. The amount required to be remitted was 55 per cent of total customs collections and the amount required for interest (exclusive of sinking fund), on the entire loan of $20,000.000 provided for in the agreement of 1908, was $1,000,000 annually. So favorable were the results obtained by American administration that it became possible in 1909 to make important reductions in the tariff, which explains the falling off, for the fiscal year 1910, in the statement of total customs collections as presented in the Annual Report of General Clarence R. Edwards, Chief of the Insular Bureau of the War Department. These figures are as follows:

Revenue of Santo Domingo.

Period.	*Total Customs.*	*Part Allotted to Fiscal Agency Account.*
April 1–June 30, 1905	$523,880.12	$254,158.79
Year ending June 30:		
1906	2,712,821.55	1,287,158.73
1907	3,300,392.44	1,481,045.12
1908	3,446,448.20	1,630,487.76
1909	3,338,467.57	1,159,890.95
1910	2,893,042.34	1,260,000.00
Total	$16,215,052.22	$7,072,741.35

It is probable that if a modus vivendi were arranged with Honduras similar to that which was arranged in the case of the Dominican Republic, and an issue of bonds were made after it had been several years in operation, a higher price could be obtained for them than at the present time; but it is to be considered that the adoption of such a policy would require the consent of Honduras; that it would require the abandonment of the options now held upon the old loan and perhaps result in larger demands from the holders of this loan; and would postpone for several years, if not indefinitely, the benefits expected by Honduras from the definite adjustment of her debt and the rehabilitation of her credit and the early application of new cash to much-needed internal improvements.

A consideration of importance to the bankers in distributing such a loan is the present state of the investment market. There has been for some time an indisposition to take any risks in regard to securities, which has been evidenced by a great fall in quotations and extreme dullness in the stock market. It is possible that this condition of affairs will tend to send investors into the market for bonds in lieu of stocks; but such a movement has not as yet acquired sufficient momentum to deprive of grave elements of uncertainty a proposed new issue by a government whose obligations have been in default.

In pursuance of your authority to consult with Mr. Frederic B. Jennings, as representative of the bankers, a number of changes have been made in the agreements as first drawn. Several of these were secured at a consultation held on Tuesday, September 6th, between Mr. Jennings on the one hand and Mr. T. C. Dawson and myself on the other, and the others at subsequent conferences between Mr. Jennings on the one hand and representatives of the Department and myself on the other. The more important of the changes which have been thus made are as follows:

1. A more exact definition of the amount to be paid by the Collector General to the fiscal agent for the amortization of the bonds. In the original draft this was ambiguous.
2. The striking out of a paragraph which made the ratification of the convention "in a form satisfactory to the bankers" a condition precedent to the examination of the railway property by engineers on behalf of the bankers.
3. A provision that the new bonds which may not be required for the redemption of old bonds shall be left in the custody of the fiscal

agent until their application for other purposes becomes legal and receives the approval of the bankers. The original provision called for the delivery of all these bonds after a term of years to the Minister of Finance, in whose hands they might have remained for a long time and perhaps would never have been required in full for the redemption of old bonds.

4. The fixing of a term of two years for the submission and settlement of old claims, after which time the balance set aside for the purpose will become available for the reconstruction of the railroad. In the original agreement there was no provision as to the time to be taken for settling such claims.

5. The insertion of a provision that the sum of $2,500,000 in new bonds, held in reserve for further improvements in the Republic, shall not be available for issue except with the approval of the bankers, communicated through the Department of State of the United States. This will enable the Department to subject to scrutiny any proposed plans and contracts for the employment of the proceeds of these bonds, and to transmit only such plans as offer substantial advantages to Honduras.

6. The insertion in the proposed fiscal agreement of a provision that the grant by the Republic to the fiscal agent of the Interoceanic Railroad and the wharf at Puerto Cortez shall be only "in trust for the holders of the bonds." The insertion of this clause was required to establish clearly the fact that the grant was in the nature of a mortgage security and not a transfer of the final title.

7. The change in the rate of premium at which bonds may be called for redemption from five per cent. to two and one-half per cent. The time after which such calls may begin is changed from five years to ten years. The fiscal agent is authorized in the meantime to buy bonds at the market price, but not exceeding the proposed rate of premium for called bonds. Under a similar provision of the contract with Santo Domingo, several hundred thousand dollars worth of bonds have been purchased for the sinking fund at a price below par.

In conclusion, I would repeat what was said at the outset—that the opportunity afforded to the Republic to readjust a debt which now represents $124,000,000 by a bond issue of $4,512,000 (exclusive of the amounts applied for other purposes) is an opportunity which comes but rarely to any State, and if all parties are now ready to subscribe the necessary agreements, this fact alone would go far to militate against embarking again upon the possibilities of long delay and uncertainty which the rejection of this adjustment and the effort to find some other would almost necessarily involve.

Yours very respectfully,

CHARLES A. CONANT.

File No. 815.51/192A.

The Acting Secretary of State to the Minister of Honduras.

DEPARTMENT OF STATE,
Washington, February 8, 1911.

MY DEAR MR. MINISTER: The other day you mentioned to me that you wanted to go to New York to sign the loan contract as soon as this Department had concluded its preliminary examination of that document. Therefore I hasten to write you that we have now done so and to tell you at the same time that Mr. Conant, the financial expert, has made his final statement that he regards the draft contract in its present form as just and equitable and probably the best that could be obtained for Honduras, and that we are likewise informed by a firm of lawyers who were employed by the Department to examine it that they have reached a similar conclusion, as will be set forth in a letter they are to send us in a few days. Copies of these two letters are at your disposition.

I am [etc.]

HUNTINGTON WILSON.

File No. 815.51/197.

Mr. Charles A. Conant to the Secretary of State.

NEW YORK, *February 11, 1911.*

DEAR SIR: I have examined the copies of the proposed contracts between the bankers and the fiscal agent of the Government of Honduras which are enclosed herewith,[1] with a view to the changes made since my letter to the Department of February 6th last.

I do not find in the changes made any reason to modify the opinions expressed in that letter. The changes appear to be of a nature to add to the protection afforded to the Government of Honduras under the contract, and to give greater clearness to certain minor provisions.

Yours very respectfully,

CHARLES A. CONANT.

File No. 815.51/204A.

The Acting Secretary of State to the Minister of Honduras.

DEPARTMENT OF STATE,
Washington, February 11, 1911.

MY DEAR MR. MINISTER: Referring to my note of the 8th instant, and to our conversation of yesterday, it gives me pleasure to transmit to you the final copies of the bankers' and fiscal agent contracts relating to the proposed Honduran loan. I am glad to be able to inform you that the Department is now in receipt of a favorable report from the attorneys who were requested by the Department to examine the contracts from the standpoint of Honduras.

The attorney for the bankers informs the Department, in a letter dated yesterday, that these agreements are now satisfactory to the bankers and that they are prepared to execute the same whenever you are ready to do so.

I am [etc.]

HUNTINGTON WILSON.

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[1] Not printed.

File No. 815.51/209A.

The Secretary of State to the Chairman of the Senate Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, February 13, 1911.

SIR: I have the honor, pursuant to the direction of the President and in conformity with the promise made in his Executive Message of January 26, 1911, with which he submitted to the Senate a Convention, signed January 10, 1911, between the United States and the Republic of Honduras "concerning a loan which the Republic contemplated making with citizens of the United States," to furnish to the Senate, through your Honorable Committee, a more detailed account of the negotiation of that convention than was given in the message of the President, together with a copy of the Contract Agreement in question, which is about to be signed on behalf of the Republic of Honduras, of the first part, and the empowered representative of an American banking group, consisting of Messrs. J. P. Morgan and Company, Kuhn, Loeb and Company, the National City Bank and the First National Bank, all of New York, of the second part. I also furnish a copy of the corollary Agreement to be made between the Republic of Honduras of the first part and Guaranty Trust Company of New York, a corporation organized under the laws of the State of New York, of the second part, as the "Fiscal Agent of the Loan," stipulating the powers and duties of that Company acting as Trustee for the holders of the proposed bonds; as Transfer Agents of such bonds and as Fiscal Agent of the Republic of Honduras in respect of the proposed loan. In thus furnishing the indicated statement and documents, it is my aim to afford the Senate, in available form, the fullest information for its guidance in the consideration of this important convention.

The Government of Honduras has long been cognizant of the need of reorganizing the deplorable financial condition of that Republic by the refundment of its debt, and of the reestablishment of the Honduran national credit through some equitable transaction with its foreign creditors whereby the heavy debt, improvidently contracted during nearly half a century and additionally burdened by the defaulted interest of many years, should be adjusted and consolidated into a single obligation, within the powers of the Republic to discharge and based upon reasonable guaranties for the security of the revenues to be devoted to its acquittance. Efforts in this direction have heretofore been fruitless, lacking in comprehensiveness and operating piecemeal to increase the already insupportable load of debt and thereby to diminish still further the eventual ability to meet the obligation. Each failure but aggravated the situation. Each year's added default but augmented the difficulties, and emphasized the need of some practical as well as equitable general arrangement for the rehabilitation of the Republic's financial status. A renewed effort in that direction became for Honduras an imperative necessity.

The present movement of Honduras toward effecting, with the assistance of the United States, this indispensable reform in the fiscal condition of the Republic began to take shape about a year ago. Preliminary conferences of the European creditors having disclosed their willingness to reach a rational adjustment with the Honduran Government, conditioned upon the negotiation of a refunding loan, and it appearing that financial interests in the United States were not indisposed to consider the negotiation of such a loan, the Government of Honduras, in January 1909, approached the Government of the United States with a view to making a conventional arrangement whereby the sanction of this Government could be obtained to some provision for securing the collection of the customs receipts of Honduras in such manner as to afford adequate revenue for the needs of the Republic and at the same time provide sufficient surplus income to satisfy the obligations of the loan. At the preliminary stage of the renewed Honduran negotiations with the Council of Foreign Bondholders, the Government of the United States was sounded in a necessarily general and vague way, inviting rather assurance of benevolent sympathy in the projected settlement than categorical formulation of a plan of international cooperation. It was not until April, 1909, that the Honduran Executive, realizing the disadvantageous terms then proposed by the foreign bondholders and the probably onerous character of any arrangements which might be made in the financial markets of Europe, sought the good offices of the United States in endeavoring to conclude a satisfactory arrangement with an American financial group for the general refunding of the entire debt of Honduras.

The friendly offices of the Department of State were accordingly used to bring reputable American banking interests into communication with the Government of Honduras, it being understood that the Government of the United States would not participate as a principal in this contractual transaction, but that, the initiative being taken by the Honduran Government, the feasibility of lending moral aid to the Republic in the attempt to reorganize its finances would be considered with every disposition to acquiesce so far as might be practicable and in proper consonance with national policies. Despite the uninviting character of the proposed investment in view of the long-standing default of Honduras toward its national and foreign creditors, the Department of State was fortunate in being able to arouse the interest of responsible financial elements in this country, with a view to bringing about such an arrangement between the Republic and the American bankers as should meet the conditions with due regard to the fiscal situation in Honduras and the sovereign rights of the State in its dealings with citizens of other nations; and in July, 1909, the proposals of Honduras were answered by offering to put that Government in touch with American bankers through any representative whom the Honduran Government might send to the United States with a view to opening negotiations.

The Government of Honduras, deeming the prospect of the terms of an arrangement with American bankers more advantageous to the Republic than those which had been offered by foreign bankers, and the bondholders being also of the same mind, the negotiations theretofore had with a British syndicate, which had seemed liable to lead to an arrangement also objectionable because too regardless of certain important vested American interests, were abandoned by the mutual consent of the Honduran and British Governments, in order to leave the way clear for the proposed American negotiation.

In August, 1909, the American Legation was notified by the Honduran Foreign Office that the Government of the Republic had decided to appoint a commission to visit the United States to confer concerning the settlement of the foreign debt of Honduras. Two commissioners—General Juan E. Paredes, Minister of Finance, and Señor don Paulino Valladares—were thereupon appointed to negotiate directly with the representatives of the American bankers. The commissioners reached New York toward the end of September. Their conferences with the American bankers were had without intervention on the part of the Department of State, the Minister of Honduras being advised (October 7, 1909) that the United States stood absolutely impartial in the matter and had no interest except a natural desire to see the neighboring State enjoy peace and maintain good financial standing.

The ensuing negotiations were perforce protracted, owing on the one hand to the necessity of frequent consultations with the home Government at Tegucigalpa, which at the time was embarrassed by domestic political problems, and on the other to the complex negotiations which had to be conducted between the American bankers and the several associations of Honduran bond-holders in different European countries. As to the latter, an understanding was finally reached by which the foreign debt was to be refunded at about 3½ per centum of the total of its face value, swelled inordinately by the long accumulation of defaulted interest. As respects the former, much time was consumed in bringing about an understanding with the Government of Honduras as to the extent to which the countenance and support of the United States could be lent to the transaction, in a manner and to a degree comporting alike with the sovereign self-respect of the Honduran Republic and with the American interests involved, and yet be confined within the limits of our well-defined national policies.

By the middle of December last, the fiscal agreement between the American bankers and the Government of Honduras had taken definite and mutually satisfactory shape, and a draft of a convention between the United States and Honduras defining the attitude of this Government towards the loan transaction had been considered and accepted. Its signature took place January 10, 1911, and it is now before the Senate for consideration.

In the final stages of the negotiations the Department of State played the part of a disinterested counsellor, scrutinizing all the features of the proposed contract with deliberate care and seeking in every possible way to reduce the almost fantastic indebtedness of Honduras within practical limits, in order to free that State from its intolerable and menacing burdens without imposing any new load beyond its power to carry.

How jealous of the best interest of Honduras and how sensible of its grave responsibility the Department of State has been in responding to the request of Honduras for its good offices in placing a loan in the United States, may be judged from the fact that, not content with the most exhaustive examination of the earlier draft contracts, the Department employed one of the best known American financial experts to subject these draft contracts to a technical examination, especially to determine whether in any respect they might be found inequitable, economically unsound, or short of the most favorable terms that the Government of Honduras was likely to be able to obtain in any quarter. A copy of his analysis of the contracts is herewith submitted for your consideration.[1] Further than this, the provisions of the two contracts, the one with the American financial group for the proposed loan, the second with the Trust Company selected to act as Fiscal Agent of the Loan, were subject [subjected?] at successive stages to competent legal analysis within and without the Department of State. As a result of this searching revision, amendments have been made from time to time, in most instances with a view to making the terms of the engagements entirely equitable to Honduras as well as to bring them in all regards into appropriate conformity with the sovereign rights of the Republic. A copy [2] of the opinion of the attorneys consulted by the Department is also enclosed for the Committee's information. Throughout the entire transaction, the influence of the Department of State has been exerted to establish the cordial friendliness of the United States for Honduras and to ensure just respect for Honduran interests. In so doing, the Department of State has aimed to maintain and affirm the high policy which has ever consistently controlled the intercourse of the United States with Honduras and the other Republics of Central America. It has, from first to last, been mindful of the traditional policy of friendly aid and assistance to the sovereign commonwealths of the northern continent and has been animated by a sense of the moral obligation to promote their wellbeing in all practicable ways. For nearly a century the United States has had this benign purpose constantly in view and it is gratifying to recall that through its timely aid good has been often wrought in composing difference between American countries and in making broader their path to that prosperity which rewards peace.

In its share of the transaction the Department of State has appreciated the merit of the desire alike of the foreign creditors and the bankers that some form of sanction should be obtained from the Government of the United States calculated to remove the execution of the contract from the field of domestic turbulence and political vicissitudes in Honduras and to insure the faithful and honest collection of the revenues pledged for the security of the contemplated loan.

As will be seen, while the Convention in no wise makes the Government of the United States a direct party to the loan-contract, it confirms and continues in regard thereto the kindly counsel and sanction which this Government has accorded since the matter was broached by the Government of Honduras. The two Governments will mutually take note of all the provisions of said contract when it shall be made, and thereafter, in case of any difficulties arising in carrying out its provisions, the two Governments agree to consult with a view to the faithful execution thereof. In like manner the two Governments agree to consult with regard to any change of the Honduran customs duties or other dues calculated to affect the revenues pledged as security for the debt, and it is mutually agreed that each Government shall be, periodically or when necessary, informed of all operations under the loan contract. Unlike the Dominican precedent, the present arrangement stipulates the appointment of a collector-general of the revenues, not by the President of the United States under the sole protection of the United States, but by the Government of Honduras from a list of names to be presented by the Fiscal Agent of the loan and approved by the President of the United States; and this collector-general is to receive from the Government of Honduras full protection in the exercise of his functions, with such additional protection from the Government of the United States as the latter may find requisite.

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[1] See ante, Mr. Conant's letter of February 6.

[2] Not printed.

As affecting the tranquility of Honduras and through it the tranquility of the five Republics grouped to the north of Panama and the Canal, the importance of the present measure can hardly be overrated. Viewed as a mode in which American capital and enterprise can be most beneficially used and the sanction of this Government can best be accorded in the discharge of the duty of our position in the zone of the Caribbean, it illustrates the principle that the capital of the more advanced nations of the world is better employed in assisting the peaceful development of those more backward than in financing wars.

To maintain its neutrality, Honduras must have strength, stability, and support. Financial rehabilitation is obviously the first necessity to that condition. Hence the great natural interest of the United States in the Convention now transmitted to the Senate.

By the signature of the Washington Conventions was recorded the conviction of all Central America that a neutral Honduras would be the foundation of Central American peace: a conviction evidenced also on the part of Mexico and the United States by their participation in the negotiations, and a conviction which so far as the United States is concerned has by common consent thrown upon us a measure of moral responsibility to do what we properly can to prevent this most important provision of these Conventions from becoming a farce.

Finally, I feel it my duty especially to recommend the consideration and approval of this Convention at the earliest date, because upon it depends the carrying out of the loan which is so vital to Honduras; because the complicated arrangements made by the bankers affecting European creditors cannot much longer be held open, and if this Convention fail it may be difficult once more to interest American capital in a venture which it has not embarked upon without considerable public spirit and patriotic feeling; and because it may not be possible again so well to safeguard vested American rights in Honduras, unliquidated American claims, and foreign bondholders, and withal so well to protect the interests and entity and the political welfare of the Republic of Honduras.

I have [etc.] P. C. Knox.

File No. 815.51/208.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 16, 1911.

Bankers' contracts executed in English February 15, and will soon be signed in Spanish.

Wilson.

File No. 815.51/219.

The Minister of Honduras to the Secretary of State.

LEGATION OF HONDURAS,
Washington, February 20, 1911.

SIR: Pursuant to the convention dated January 10, 1911, between the Republic of Honduras and the United States of America, I have, on behalf of my Government and in accordance with its instructions, made and executed with an American banking group, consisting of J. P. Morgan & Co., Kuhn, Loeb & Co., the National City Bank of New York, and the First National Bank of New York, a loan contract, dated February 15, 1911; and with the Guaranty Trust Company of New York, as fiscal agent, a contract securing the said loan, dated the same day; both contracts being in the form already submitted to and approved by your Department. In accordance with the requirements of said contracts, I accompany an original executed counterpart of each contract[1] in English and in Spanish, to be filed with the Department of State of the United States of America.

Kindly acknowledge the receipt of the said contracts as executed and filed in conformity to said convention.

Accept [etc.]

LUIS LAZO A.

File No. 815.51/217.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tegucigalpa, February 21, 1911.

Conclusion of any loan contract by Honduras prohibited by the Assembly on February 20, pending report by a Commission of Jurists appointed to study the debt of Honduras and ascertain its amount.

MCCREERY.

File No. 815.51/233.

The Secretary of State to the Chairman of the Senate Committee on Foreign Affairs.

DEPARTMENT OF STATE,
Washington, February 27, 1911.

MY DEAR SENATOR CULLOM: For the convenience of the members of the Committee on Foreign Relations I am taking the liberty of sending herewith fourteen copies of the substance of the remarks made by Mr. Jennings before the Committee on Friday, concerning the Honduras loan convention and contracts.

I am this morning in receipt of a letter[1] from Mr. Jennings in which he points out the urgent necessity for prompt action on this convention. I also enclose fourteen copies of this letter.

Very sincerely yours,

P. C. KNOX.

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[1] Not printed.

[Inclosure.]

GENTLEMEN OF THE COMMITTEE:

I had not expected to make any statement, but have come here at the request of the Secretary of State to furnish such information as you may desire in respect to the agreements which have recently been executed, providing for the issue of bonds by the Republic of Honduras and their purchase by a group of New York bankers and the disposition of the proceeds of the proposed loan.

Honduras has an area of about 48,000 square miles and a population of about 500,000, of which about ten per cent. are white of Spanish blood, eighty per cent. are Spanish and Indian, and ten per cent. Spanish and negro, the merchants and farmers, the more intelligent and substantial people of the country, being largely white. Its most important port upon the Pacific is Amapala, and upon the Atlantic side is Puerto Cortes, which is distant about 900 miles from New Orleans and also from Galveston, and about 850 miles from Mobile, with all of which places it has regular steamer connection. It is generally admitted to be one of the richest of the Central American countries in natural resources, which, however, have not been developed because the country has been constantly disturbed by revolutions, largely fomented by neighboring republics, and has been crushed under a burden of debt, and because of the lack of transportation facilities.

The purpose of the proposed loan is to furnish money with which to settle the debt of Honduras, to acquire, improve and extend its railroad and wharf at Puerto Cortes, and for other internal improvements necessary to the development of the country.

The Republic has outstanding bonds issued in 1867, 1869 and 1870 to the amount of about $27,000,000, upon which substantially no interest has ever been paid. These bonds are held largely in England and on the Continent, and the amount due upon them at the present time is upwards of $124,000,000. In addition, the Republic has an internal debt amounting to about $2,000,000 and other indebtedness and claims amounting to upwards of $1,000,000. Arrangements have been made by which the total indebtedness of Honduras, thus amounting to upwards of $127,000,000, can be discharged for less than $5,500,000.

The agreement made with the bankers provides for the ultimate issue of not exceeding $10,000,000 of five per cent. forty-year bonds, with a sinking fund of one per cent. per annum, to redeem the bonds before maturity. $7,500,000 of the bonds are to be issued at once, the remaining $2,500,000 to be reserved for future issue with the approval of the bankers and the Department of State of the United States when the needs and the development of the country are sufficient to justify it, the proceeds of such issue to be used only for the extension of the railroad or other internal improvements necessary to the industrial development of the country. The payment of interest and sinking fund upon the bonds is to be secured by the customs revenues of the Republic, to be collected by a Collector General appointed by Honduras from a list of names selected by the Fiscal Agent of the Loan and approved by the President of the United States, such revenues to the extent necessary to be paid by the Collector General to the Guaranty Trust Company of New York, the Fiscal Agent of the Loan and trustee for the new bondholders. The bonds are also to be secured by the net revenues from the railroad and wharf, which are likewise to be paid to the Fiscal Agent of the Loan.

The $7,500,000 of bonds to be issued at once are to be purchased by the bankers at 88. From the proceeds about $4,050,000 are required to take up the outstanding foreign bonds at fifteen per cent. of the face value of the principal, without interest. It is estimated that about $700,000 will be required to settle the internal debt, the validity and amounts of which are to be determined either by agreement, approved by an assessor appointed by the Secretary of State of the United States, or by three arbitrators, one to be appointed by the Republic, one by the claimants and one by the Secretary of State. It is estimated that about $700,000 will be required for the acquisition of the railroad and wharf and the settlement of other outstanding indebtedness and claims against the Republic connected therewith, such amounts also to be determined by agreement, approved by an assessor appointed by the Secretary of State or by three arbitrators, one to be appointed by the Republic, one by the claimants and one by the Secretary of State.

The remainder of the proceeds of the loan, amounting to not less than $700,000, is to be applied, with the approval of the Fiscal Agent and upon certificate of an engineer to be selected by it, to the improvement and extension of the railroad and the construction of branches which the Republic believes will largely increase its revenues and aid in the development of the country.

Pending the application of these amounts they are to be held by the Guaranty Trust Company for the purposes stated.

The wharf at Puerto Cortes is about 750 feet long, runs parallel with the land and has thirty feet depth of water alongside, so that any ships of whatever size can come up directly to the wharf. It was originally built and maintained and is now owned by W. S. Valentine of the City of New York. The wharfage dues are fixed by law and by the terms of his concession one-half of the earnings of the wharf are paid annually to the Republic. The total net earnings of the wharf amount to upwards of $30,000 per year. The custom-house at Puerto Cortes is situated upon the wharf and the tracks of the railroad run along it within eight feet of ships lying alongside. There is no other entrance to Puerto Cortes.

The railroad known as the Interoceanic Railroad was originally projected to extend from Puerto Cortes across the country to Amapala, a distance of about 220 miles. 57 miles are now in operation; 5 miles additional are substantially completed, but without rails laid; 5 miles additional are graded, and for 10 miles additional the right of way has been cleared. About one-half of the railroad was built from part of the proceeds of the bonds issued more than forty years ago, and the remainder was built by Valentine and the Honduras Syndicate. The Honduras Syndicate is an American corporation, composed chiefly of New York men, who, under a concession from the Honduras Government, operated and extended the road and made advances on account of customs to the Republic until several years ago they were ousted by the Government in part upon representations from the British Government claiming that the foreign bondholders had a lien upon the road. The Honduras Syndicate claims to have actually paid out in such advances to the Republic and in the maintenance and extension of the said railroad upwards of $700,000 in cash and its claim against the Honduras Government is based upon those facts. The railroad is now held under a lease made to Valentine, in which the Syndicate has an interest, which was originally for thirty years and now has about twenty-eight years to run, at an annual rent of about $10,000 per year for four years, regularly increasing every four years up to twelve years, and thereafter $25,000 per year, under which lease the first four years' rent was advanced to the Government. The net earnings of the railroad and wharf amount to about $150,000 per year, on the basis of the actual returns for the last six months of the last fiscal year.

As the result of negotiations between the Honduras Commissioners and the representatives of Valentine and the Syndicate, it was found that the railroad and wharf could be acquired, and all their claims connected therewith or otherwise against the Republic, could be settled for about $750,000, but at the suggestion of the State Department provision has been made in the agreements whereby these claims must all be submitted to and determined by arbitration both in respect to validity and amount.

The credit of Honduras abroad is so bad on account of its continuous default in the payment of interest upon the large amounts of bonds previously issued by it, that the bankers have with considerable reluctance entered into this agreement for the purchase of the proposed issue of bonds and have been largely influenced thereto by the belief that it will be greatly to the public advantage of this country to assure more stable conditions in Honduras which on account of its geographical position will largely tend to tranquilize the entire Central American situation. They also believe, however, that if the customs can be honestly collected and applied that the amount required for the service of the loan can be easily provided without encroaching upon the amount required for the expenses of the Government.

The revenues of the Republic for the year 1909 consisted of

Customs duties	$766, 495 gold
Liquor and powder monopolies stamp tax, etc	887, 873 "
Making total receipts of	1, 654, 818 "
While the total expenses amounted to	1, 643, 360 "

Of these expenses 39% or $643,206 gold were incurred in the War Department.

Payments on account of the internal debt during that year were $251,635 gold.

The superintendent of the railroad and wharf estimates that with the extensions and branches to be built from part of the proceeds of this loan, the net earnings of these properties will be upwards of $300,000 gold per annum.

The Honduras Commissioners estimated that the war expenses under more stable government could be reduced at least one-half, thus saving on the basis of the year 1909, $321,603 gold per annum.

The amount of the annual payments upon the internal debt, which are to be discharged by part of the proceeds of this loan, will be saved, amounting for the year 1909 to $251,635 gold per annum.

In addition to these it is believed that the increase in customs, due to greater stability in the Government and also to an honest and business like administration, will alone amount to sufficient to offset the amount required for the service of the loan.

In the case of San Domingo the customs increased from $1,843,910 gold in 1905 to $3,354,776 gold in 1908.

The service of the loan will require $450,000 per year, and there would seem to be no doubt that under a proper administration that amount can easily be provided without encroaching at all upon the amount required for the expenses of the Government.

The obligation of the bankers to purchase the bonds is conditioned upon the consummation of the proposed arrangement and the delivery of the bonds on or before June 1st.

The old foreign bonds to the amount of $20,000,000 of principal have for more than a year been deposited with the Council of Foreign Bondholders subject to the proposed adjustment, and the bankers are advised that unless the proposed arrangement is consummated without undue delay it will be impossible longer to hold these bonds on deposit, and if they are once returned to their holders, it will be difficult, if not impossible, again to obtain assents and deposits, and that this certainly can not be done without an increase in the amount to be paid.

File No. 815.51/219.

The Secretary of State to the Minister of Honduras.

No. 23.]

Department of State,
Washington, March 4, 1911.

Sir: I have the honor to acknowledge your communication of the 20th ultimo, reciting that pursuant to the convention dated January 10th, 1911, between the Republic of Honduras and the United States of America you have, on behalf of your Government and in accordance with its instructions, made and executed with the American banking group consisting of J. P. Morgan and Company, Kuhn, Loeb and Company, the National City Bank of New York, and the First National Bank of New York, a loan contract dated February 15th, 1911; and with the Guaranty Trust Company of New York as fiscal agent a contract securing the said loan, dated the same day.

I have also the honor to state that these agreements, made pursuant to the provisions of the convention of January 10, 1911, have under date of February 20, 1911, been duly and properly filed with the Department of State as provided in their articles 11 and 12, respectively.

Accept [etc.]

(For Mr. Knox:)
Alvey A. Adee.

File No. 815.51/241.

The American Minister to the Secretary of State.

No. 161.]

AMERICAN LEGATION,
Tegucigalpa, March 25, 1911.

SIR: Referring to my No. 126, of the 2nd ultimo,[1] I have the honor to enclose copy and translation of a "Manifesto of the National Congress to the Honduran People" signed by most of the deputies, dated February 14, 1911, containing the reasons for the action of the Congress on January 31 last in disapproving the United States-Honduras Convention signed in Washington on January 10, 1911.

This manifesto has not yet been published.

I have [etc.]

FENTON R. MCCREERY.

[Inclosure—Translation.]

Manifesto of the National Congress to the Honduran People.

HONDURANS:

In the face of events such as the present ones, which place the autonomy and the independence of the Fatherland in danger, the National Congress, through its regard for the authority with which you have honored it, believes it ought to make known to you the motives upon which it founded Decree No. 20 of January 31st last when it disapproved the Convention submitted for its consideration by the Executive Power, and which was signed in Washington on the 10th of the same month by Señor Juan E. Paredes, Plenipotentiary of Honduras, and Mr. Philander C. Knox, Plenipotentiary of the United States of America.

This Convention which treats of a loan which it is sought to negotiate in the name of Honduras, is a matter of such moment that the Congress opines that it should be understood by the whole country and that all Hondurans should be called upon who are capable of rendering an opinion on a matter which not only is to bind them during the remainder of their days, but also their children and their children's children. As the Convention was not given out by the press, upon its submission for the ratification of the sovereign representatives of the people, the latter were placed in the necessity of studying it with due care in order to accept or reject it freely; but as it was presented to them for consideration in secret session and with the intimation that an early decision was urgent, there remained neither opportunity nor time for a conscientious study. Under these circumstances Congress, desiring to proceed with the greatest zeal and prudence—for its duty was to safeguard the interests entrusted to it by the people as well as the sacred trust bequeathed us by our forefathers and which is symbolized in the words Independence, Liberty, Fatherland—determined not to act immediately concerning the Convention and agreed to name a special committee to report thereon, composed of Deputies Licenciados Leandro Valladares, Pedro A. Medal, Rómulo E. Durón, Timoteo Miralda, Francisco Escobar, Emilio Mazier; Deputies Octavio Ugarte, José Manuel Zelaya, Dr. Eusebio Toledo; Licenciado José María Galves, Licenciado Nestor Colindres Zúñiga and Ines Navarro.

Notwithstanding the fact that this committee was a special one with large membership, the magnitude of the matter and the desire for the most accurate solution impelled the Congress to cause to be heard the most noted jurisconsults as well as other distinguished persons who, though not professional men, could, because of their well-known eminence in the country and their upright judgment, also aid in the best solution with their opinions. It was provided, therefore, that the following lawyers should be heard: Policarpo Bonilla, Angel Ugarte, Pedro J. Bustillo, Rafael Alvarado Manzano, Saturinino Medal, Miguel

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[1] Not printed.

Oquelí Bustillo, Dionisio Gutiérrez, Alberto A. Rodríguez, Antonio R. Vallejo, César Bonilla, Jerónimo Zelaya, Frederico G. Uclés, Crescencio Gómez, Esteban Guardiola and Manuel A. Reina, and Generals Máximo B. Rosales and José María Reina. By consulting the opinions of such varied and intelligent men, Congress sought to enlighten its own opinion with what might be called the national conscience as interpreted by its most eminent and distinguished organs, since it would be composed of individuals of all political creeds and varied social significance.

These measures having been taken, the session was adjourned, and the Deputies having been invited to enter the reception room of the President of the Republic, they were given the opportunity to listen to observations made by this high functionary, and as a result thereof, they returned to the Sessions Hall, declared a continued and secret session, and announced the urgency of decision—a single discussion and during that session—of the matter in question; and, after lengthy consideration, the Convention was disapproved by 32 votes to 4. The above is set forth more fully in the proceedings of the session of January 31, which is herewith attached, together with those of the sessions of January 21, 23 and 24 since they contain data in connection with the negotiations relative to the loan. The decree of disapproval reads as follows:

> Decree No. 20. The National Congress, in view of the Convention signed in the city of Washington on the tenth of this month by Señor don Juan E. Paredes as Plenipotentiary of Honduras and Mr. Philander C. Knox as Plenipotentiary of the United States of America, and in the exercise of the power conferred upon it by Article 90, number 22, of the Political Constitution of the State, decrees:
>
> Sole Article. That the Convention under consideration be disapproved.
>
> Given in Tegucigalpa, in the Sessions Hall, on the thirty-first day of January, one thousand nine hundred and eleven.
>
> Francisco Escobar
> *President.*
>
> Leandro Valladares, *Secretary.* Ramon Fiallos, *Secretary.*

The reasons for this decree are at the disposal of all.

In accordance with Articles 2 and 4 of the Political Constitution, Honduras is a free, sovereign and independent nation; all public power emanates from the people; the functionaries of the State have no other powers than those expressly given them by law; and any act of theirs not so given is void.

In accordance with Article 21 of the Constitution, one of the rights of the citizen is to aspire to public office.

In accordance with Article 90, numbers 8, 22, 23, 24, 25, 26, 27, 28 and 29, of the Constitution the Legislative Power makes provision for the security and defense of the Republic; approves, modifies or disapproves treaties celebrated with other nations; regulates land and maritime commerce; approves or disapproves the records of public expenditurs; fixes the annual Budget of Expenses, taking as a basis the probable receipts; imposes taxes; regulates the payment of the national debt; orders the alienation of national property or its employment for public uses; and decrees loans.

In accordance with Article 92 of the Constitution, the powers of the Legislative Power are non-transferable.

In accordance with Article 108, numbers 2, 3, 4, and 16, of the Constitution, the Executive Power defends the independence and the honor of the nation and the integrity of its territory; executes the laws, and causes them to be observed, issuing, to that end, without altering the spirit thereof; the official decrees and orders; nominates the Secretaries and the Subsecretaries of State and the other employees of the Executive Department, in conformity with the law; causes the revenue of the State to be collected; and regulates its investment in accordance with the law.

In accordance with Article 109 of the same, the acts of the Executive Power which are not despatched through the appropriate Ministry shall not be fulfilled, and the President and the Minister shall be wholly responsible for acts committed in violation of the Constitution and the laws.

And in accordance with Articles 137, 138, 139 and 140 of the Constitution, all expenditures made without the sanction of law are illegal; the product of the duties, imposts and taxes form part of the national Treasury; the Executive Power shall not be able to celebrate important contracts which may compromise the Public Treasury without previously publishing the proposal in the official publication and receiving public bids; and to conduct the administration of the National Treasury there shall be an Auditor General or a Superior Board of Accounts.

Now, by the Paredes-Knox Convention, the text of which is attached, the sovereignty and the independence of Honduras is assailed: 1. Because, instead of Honduran citizens nominated by the Executive Power or by Congress, as the case may be, *without foreign intervention*, to take charge of the customs, there will be named by our Government for such purpose, a Collector General under the protection of the Government of the United States, from a list of names which may be Honduran citizens or not, such list to be presented to the Government by the Fiscal Agent for the loan, and to be approved by the President of the United States. 2. Because, although the list were made up of Honduran citizens alone with the right of holding public office as prescribed by the law, the appointment would be void at the outset because of the obligation to make it from a list of persons presented to our Government by a foreign Government, a provision which, under the Constitution, has no place in our administrative régime; 3. Because the Fiscal Agent for the loan, concerning whose appointment nothing is said, does not fill an office of constitutional or legislative creation, for our Constitution creates the office of Auditor General or the Superior Board of Accounts to supervise everything pertaining to the public funds, and to accept the foreign Fiscal Agent is to disregard the provisions of our fundamental law; 4. Because, with the funds of the loan and those of the customs held by functionaries named in violation of the Constitution, the latter, who in reality would not be subject to the Government of Honduras, but to that of the United States, would place in danger the security and defense of the Fatherland, which depends not only on its citizens and its arms but also on its resources. Nothing would be gained by requesting a complete detailed report every year or whenever the Government of Honduras might wish it, if this Government lacked the power to act solely and exclusively in the administration of the funds and in the selection of the persons who administer them; and besides the illegality of a Fiscal Agent, concerning whose appointment nothing is known, and of a Collector of Customs appointed in the manner indicated by the Convention, the fact exists that the clauses referring thereto constitute an offense to Hondurans, by adjudging them morally and intellectually incapable of administering their revenues, of honoring their obligations and of respecting their laws; 5. Because, with Congress possessing the right to regulate land and maritime commerce, it can increase or diminish the import and export duties and those pertaining thereto, as it notes that the one action or the other favors the increase of Treasury receipts, and thereby it would the more quickly fulfill its obligations, whereas by binding itself not to alter its tariff during the existence of the loan, without consulting or coming to an agreement with the United States, it could not obtain these advantages, since by renouncing a constitutional prerogative, its future would not be contingent upon its convenience or its will, and the loan instead of being liquidated in a shorter time, would be subject to the time imposed by the conditions of the Convention; 6. Because the payment of the national debt ought to be adjusted by Congress without foreign intervention, and having at its disposal for that purpose the national wealth and with the power to indicate how it shall be employed for public uses, it has at hand sufficient means to realize this object, by offering them as a guaranty for the obligations contracted, without the necessity of the intervention of any government between Honduras and the lender to effect an agreement and ensure its fulfillment, just as El Salvador, Guatemala, Costa Rica, Chile and other countries have done; 7. Because Congress fixes, approves or disapproves annually the public expenditures, and these should not, either in their entirety nor in part, be indicated by foreign administrators, but should be determined by the Congress in the exercise of its attributes and in conformity with the laws; 8. Because the protection offered by the Convention to the Collector General of Customs who is appointed in accordance therewith, and which will be such as is deemed necessary by the Government of the United States, constitutes a menace, for Honduras being a weak country and the customs receipts managed by an employee of the American Government, every time that this agent clashes with the Honduran authorities protection would be afforded him and not the latter; and by suggesting this protection the regularity and the seriousness of the acts of the Government of Honduras are discredited and it is regarded with hostility as if it were a question not of a country which has lived and aspires to live honorably, but of an uncivilized country against which it is necessary to take precautions, an attitude which is not substantiated by the existence of the record of the loans of 1867, 1869 and 1870, for it is known that this account constitutes in its greater part a scandalous fraud of which Honduras was the victim, in view of which the British Parliament, in 1875, refused to authorize the British Government to uphold the creditors in a coercive claim; and 9. Because the powers of the Legislative Power being non-transferable, the latter cannot consent that the Executive Power should put into practice a Convention which annuls said powers, which violates the Constitution and which transforms Honduras from a free country into an administrative dependency of the United States.

Turning to another side of the question, Congress discovers that the credit, trustworthiness and responsibility of the makers of the loan are not enumerated and that, furthermore, it is not shown that our Administration has calculated what and how great are the benefits accruing to it by contracting a loan destined for the various ends here enumerated: foreign debt, internal debt and the adjustment and settlement of non-liquidated credits. In a certain given case the loan might be justified for one or several of these purposes or ends but not for all. And in this connection, the terms of the Convention declare the union and indivisibility of the various aspects of the economic credit of Honduras.

Our Administration cannot, at the present time, gauge the opportuneness of contracting a loan and of contracting it exclusively with American lenders, thus refusing to avail themselves of competition or unforeseen opportunities offered in the economic world by other than American capital.

But it was not so much economic considerations as those of constitutional character, which are and ought to be in a republican country those of the highest category, that decided the Congress to disapprove the Convention. The Legislative Power of Honduras has from no point of view power to compromise or impair the sovereignty of the nation: it possesses no further powers than those enumerated in the Constitution, and among them does not appear, nor can appear, one of such transcendent moment.

Hondurans:

You now know what the decision of Congress was. We disapproved the Paredes-Knox Convention, because we could not with a clear conscience approve it when it involved such a grave and important matter as that of granting intervention in our internal affairs to interests not accepted nor even foreseen by our Political Constitution. Furthermore, an approval involved also that of another matter of as great importance as the loan and which would of necessity have compromised not only the present but also the future of the country, a thing which could not be done without having at hand all the records in the case and as much data as could aid in ascertaining up to what point the Treasury of Honduras could support the burden which would have to be put upon it. The world will render Congress justice by judging of the impartiality shown in the considerations as set forth and which induced it to disapprove the Convention of Washington.

Our minds were not swayed in the least degree by any consideration of politics, of advantage nor of ill-will or antipathy towards the United States. We had in mind, over and above all, the Fatherland, for we aspire to preserve our own Government and to administer our own affairs without attempting to isolate ourselves from relations with civilized countries but rather to recognize the needfulness of such relations, but on condition that they do not encroach upon the national sovereignty and the existence of the State, for the light by which we should forever be guided is that diffused with such effulgence by the immortal act of September 15, 1821, which gave life to Central American nationality. These and only these are our reasons and we stand so firmly upon them that we hope that neither the present Government nor any other, to-day, to-morrow or ever, will disregard them, if Honduras is to continue as a sovereign, free and independent nation. For any Government which accepts conditions of tutelage under the terms imposed by this Convention or under others, will expose itself not only to the maledictions of history in the future but to the condemnation of popular justice in the present.

Hondurans, meditate on our words and decide whether we deserve your approbation or your censure.

File No. 815.51/250a.

The Secretary of State to certain members of the Senate Committee on Foreign Relations.[1]

Department of State,
Washington, May 3, 1911.

My Dear Senator: Senator Cullom tells me that the Honduras Convention, which was favorably reported by the Foreign Relations Committee at the last session, is to be reconsidered by the Committee in order that the important principle involved may receive the study of the new members. I could not overstate the fundamental importance of that principle. Briefly stated it is this:

"Shall the Government of the United States make American capital an instrumentality to secure financial stability, and hence prosperity and peace, to the more backward republics in the neighborhood of the Panama Canal; and in order to give that measure of security which alone would induce capital to be such instrumentality, without imposing too great a burden upon the countries concerned, shall this Government assume toward the customs collections a relationship only great enough for this purpose, a relationship, however, the moral effect and potentialities of which result in preventing the customs revenues of such republics from being seized as the means of carrying on devastating and unprincipled revolutions."

For years the Department of State has had to deal with turbulent conditions in Central America and the Caribbean, which the Panama Canal, the extension of commerce, and the enterprise of our citizens cause to affect this country more and more. After the most mature study this Department is firmly convinced of the wisdom of the policy involved in the Honduras Convention, a policy which in its nature is broad, national and non-partisan. The Government of Nicaragua has asked the good offices of the United States to bring about an arrangement similar to that in the case of Honduras, so that in the near future the principle will have to be passed upon. I feel that upon the decision will depend the question whether the United States can be a useful and beneficent factor north of the Panama Canal, or whether conditions of turbulence will cause this Government, as in the past, frequently to have to take action both futile and troublesome.

Printed copies of the Honduras Convention and of the Bankers' Contract and Fiscal Agreement, which when approved will receive the protection of the Convention, are in the hands of the Committee on Foreign Relations. In earnestly asking your thoughtful consideration of this important subject, I take the liberty of enclosing herewith, as of suggestive value, the following additional materials;[2] editorial from *The Washington Post* of January 25, 1911; article from *The Washington Star* of February 26, 1911; a few rough notes prepared by this Department; financial notes concerning the Republic of Honduras; a hearing before your Committee[2]; a memorandum prepared in the Bureau of Insular Affairs of the War

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[1] An identic letter, sent to Senators Borah, Burton, Clarke, Hitchcock, McCumber, and Rayner.

[2] Not printed, except as noted.

Department[1]; an article appearing in *The New York Sun* of January 28, 1911; and a copy of the Report of the Receiver General of Dominican Customs for 1910.

I am [etc.] P. C. Knox.

File No. 815.51/257.

The American Minister to the Secretary of State.

No. 176.] American Legation,
Tegucigalpa, May 3, 1911.

Sir: I have the honor to enclose copy and translation of an article published in *El Nuevo Tiempo*, the semi-official organ of the Government of Honduras, on April 25, 1911.

The article mentions the sorry financial condition of Honduras, states the causes, praises the mediation of our Government and the results, speaks well of the efforts of the United States in support of the Monroe Doctrine, and calls upon Hondurans to bring about a new order.

I have [etc.] Fenton R. McCreery.

[Inclosure.—Translation.—Extract.]

A NEW POLITICAL RÉGIME FOR HONDURAS.

The Public Treasury of Honduras is depleted.

The budget scarcely meets the expenses of the administration.

The tariff is out of date. It is not the result of an economic, scientific and well thought-out plan.

For many years our tariff has been in force without the reforms which the movement of commerce and the variations of finance demand.

The Department of Finance does not progress very well.

Money is received in the national coffers without fixed rules and without definite and stable procedure, and, nevertheless, Honduras possesses abundant latent riches.

Its territory, according to calculations more or less exact, covers 156,000 square kilometers, possesses fertile lands, inexhaustible mines, virgin forests abounding in valuable timber and mighty rivers which can fertilize the whole country and give life to every kind of agricultural product.

We believe that, with the Government of Dr. Bertrand, with "the convergence of all political parties" imbued with the spirit of national union and Honduran fraternity, a new historical era for Honduras is inaugurated.

The intervention of the Government at Washington, in the enlightened way in which it was conducted, is a safeguard, entrusting to the honor of great American statesmen not only our political autonomy but also our economic and commercial expansion, which will achieve our credit and our public prosperity.

Erroneous prejudices and local mistrust should not be encouraged.

The Government at Washington has a solemn obligation before the civilized world; that of safeguarding and guaranteeing the autonomy of Spanish America.

The obligation of the United States of America has been fulfilled generously and loyally.

Therefore, there is no reason to fear the United States of America.

Naturally that nation is alive to its interests.

Its commerce and its industries inundate our lands.

Its vessels place us in daily contact with American customs, with American activity and with the astonishing progress of that great country.

Its financial crises directly affect us.

Wall street is well known to us, and its cotton crop interests us as though it were our own.

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[1] See ante.

An earnest Government in Honduras, then, one that is judicious and loyal to its obligations, with a stable, well-ordered economic system, supported by honest and intelligent patriotism on the part of all Hondurans, permeated with the economic spirit of our neighbors on the North, will form the initiative of a political régime well-grounded on the national credit and the public prosperity.

DR. LEVERICH.

File No. 815.51/260.

The Secretary of State to the Chairman of the Senate Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, May 18, 1911.

MY DEAR SENATOR: I beg to acknowledge the receipt of your letter[1] of the 17th instant, notifying me of a meeting of the Committee on Foreign Relations to be held on Wednesday next the 24th instant, at which time the treaty with Honduras will be taken up for consideration, and requesting me to be present.

In reply I have the honor to state that I shall be very glad to be present at the meeting of the Committee.

Very sincerely yours,

P. C. KNOX.

Statement of the Secretary of State before the Senate Committee on Foreign Relations, May 24, 1911.

The committee met at 11 o'clock a. m. Present: The chairman (Mr. Cullom), Mr. Smith, Mr. Root, Mr. McCumber, Mr. Sutherland, Mr. Borah, Mr. Burton, Mr. Bacon, Mr. Shively, Mr. Rayner, and Mr. Hitchcock.

The CHAIRMAN. The Secretary of State is here by invitation. I asked him to come before the committee on the subject of the convention between the United States and the Republic of Honduras. As we have but an hour to work in before the Senate convenes, I will ask the Secretary to proceed.

Whereupon the Secretary made the following statement:

THE SITUATION.

The Central American Republic of Honduras, which in area is about the size of the State of Pennsylvania, contains about 500,000 inhabitants. Its public improvements consist of about 57 miles of railroad and inadequate docks at Puerto Cortes on the Atlantic, and still more inadequate docks at Amapala on the Gulf of Fonseca on the Pacific side. The Gulf of Fonseca, by the way, is the best, if not the only, harbor of value on the Pacific coast between Panama and San Diego if, indeed, it is not the only one between Valparaiso and San Diego. The only other public improvement in the Republic worth noting is the Sierra Road, a highway constructed by President Sierra, but so inadequately maintained that the carrying power of a mule cart on this highway is now less than one-half of what it was 15 years ago.

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[1] Not printed.

Honduras is bankrupt, famished, and discouraged. The condition of her people is well illustrated by the fact that it is estimated by a reputable writer that the average annual expenditures of its peasantry for clothing amounts to less than $1.50 a year.

"Señor," said an old Honduranean, "why should our people accumulate more than one shirt apiece, when a revolution may come along at any hour and rob them of everything?" (Central America and Its Problems—Palmer.)

A former President of Honduras, speaking of his country's condition and of its dependence upon the United States, is quoted as saying:

> Will you not use your strong arm to give us peace—peace long enough to learn that continual revolution is not the natural order of a nation's existence? There is no act of yours guaranteeing good government which I would not welcome. How can we care for ourselves, how can we rule ourselves under such conditions? And you took away our principal source of income when you made Cuba so prosperous that she raises her own cattle and imports no more of ours.

Honduras has been the scene of seven bloody revolutions within the last 15 years. Within that time the United States has been compelled to intervene, in the interests of universal commerce and civilization, to close or to prevent sanguinary ruinous civil war within her borders.

The debt of Honduras with the interest thereon, which has not been paid for over 40 years, amounts now to about $125,000,000. Her revenue, according to the last available data, is a little more than $1,654,000 a year, of which $766,495 is customs receipts and $887,873 comes from liquor and other monopolies. Thirty-nine per cent of her revenue is absorbed by her military establishment.

In order to relieve the Republic from this crushing weight of debt, the burden of which has depressed her people to a pathetic helplessness, Honduras is endeavoring to borrow, upon the credit of her revenue, a sum of money that will enable her to compromise with her creditors and secure an amount adequate to undertake such internal improvements as will inspire her own people to new courage and establish such stability in her political and fiscal systems as will attract to her borders the enterprise and the capital of the type of immigration necessary to her regeneration.

THE REMEDY.

Realizing the absolute inability to meet her obligations or even to pay the interest thereon, some of which runs at 10 per cent per annum, the Republic of Honduras has endeavored to reach some adjustment with her creditors, and in order to obtain reasonable terms sought the aid of the United States, and the convention which is now before the Senate has really been signed at the instance of Honduras. The reason why a convention has been entered into regarding this matter is that without materially upholding the now shattered public credit of Honduras it would be utterly impossible to obtain a loan sufficiently large to cancel outstanding obligations on terms anything like within the reach of Honduras. Honduras standing alone would have to borrow money at such exorbitant rates of interest, or obtain for its bonds such a low market price that a very much larger issue than that now proposed would have to be made.

The convention has been drawn for the purpose of giving security. That is, for the purpose of assuring the regular payment of interest and sinking fund upon the debt. Its provisions, briefly, are:

1. Honduras engages to place the loan in the United States.
2. Honduras pledges her customs receipts for the payment of the interest and sinking fund.
3. Honduras agrees to appoint a receiver from a list of names prepared by the fiscal agent and approved by the President of the United States.
4. Honduras agrees to afford protection to the receiver and that if necessary the United States may give such protection.
5. The receiver is under obligation to report to the fiscal agent of the loan and to either Government regarding the discharge of his duties.
6. Honduras further agrees not to alter the customs receipts during the existence of the loan.

The convention applies to no specified contract, but any contract, to come within the scope of the convention, must receive the scrutiny of this Government.

That the collection of the customs should be honestly carried on and their receipts properly administered is an obvious necessity, and the provision in the convention as to the appointment of the receiver makes possible the selection of a competent, honest, bonded person. In this regard it will be noted that the Honduras convention differs in this respect somewhat from the Santo Domingo convention in not going quite so far. Under the terms of the latter the receiver general of customs is appointed by the President of the United States direct. That the Government of Honduras should promise to give this receiver adequate protection, and in the absence of which this Government should have the right to protect him in the discharge of his duties, is equally an obvious necessity. It is self-evident that as the customs duties are pledged for the service of the loan, they must be adequate to meet the interest and sinking fund, and that to prevent their being in any wise altered and thereby rendered insufficient, or to allow substituting for them any new duties different in name or collected from a different viewpoint, is likewise self-evident.

That Honduras should agree to permit its customs to be collected in the manner indicated and should further stipulate that such customs duties will not be altered will, from experience, in no wise decrease or interfere with the administration of these funds. When the Government of the United States entered into the agreement with the Dominican Republic, and subsequent to the appointment by the President of a receiver general of customs, the revenues of that Republic increased from about $1,800,000 to the sum of $3,300,000. The cost of the service of the loan negotiated for the Dominican Republic, interest and sinking fund, is $1,200,000 per annum. It will thus be seen that the Dominican Republic is now promptly meeting the payment of its obligations and that it also has more money than heretofore for the maintenance and conduct of the Government. Not only has the Dominican Republic had no difficulty regarding the alteration of its tariff laws, but the duties on staple articles have in almost all cases been subjected to a scaling down, so that goods are now delivered into that Republic at less cost than before the assistance of the United States was invoked. That this would be true in regard to Honduras may be confidently asserted.

Prior to the Dominican convention this Government was constantly having to interpose between clamorous foreign claimants and the Dominican Government and to use its naval forces for the protection of United States property. Since the Dominican convention no such necessity has arisen. The situation in the Dominican Republic prior to the convention is the situation in much of Central America and the Caribbean Republics of to-day.

Then several agreements between the Dominican Republic and foreign creditors existed which specifically pledged a portion of the customs duties of specified ports of the Republic. Some of these agreements, indeed, were protocols negotiated by the representatives of foreign governments with the Dominican Republic. Italy had several such protocols and the Spanish and German Governments also had a protocol assuring the payment of certain claims of their subjects. The Dominican Government was in default and was continuing in default, until finally the Italian Government sent a war vessel to Dominican waters, and had it not been for the action of the United States in extending a helping hand the Dominican customhouses would have been taken possession of by the Italians and the administration of the revenues of that Republic would have fallen into the hands of a European power. I am satisfied that if the present arrangement can not be carried out a similar situation may confront the Republic of Honduras.

In fact, at the time when the negotiations were begun for the purpose of refunding the Honduranean finances a proposition had been made by the representative of Great Britain in Central America on behalf of the foreign bondholders, and was about to be consummated, which was highly objectionable. This plan contemplated the possible raising of the import duties in Honduras, and made absolutely no provision for the settlement of large American claims which were being asserted against the Government of Honduras and left the internal indebtedness of that Republic absolutely unsettled. It also contained provisions which might have placed the railroad running out of Puerto Cortes under the control of a foreign syndicate.

During the course of a year it is many times necessary for the United States to send forces to the ports of some of the Central American Republics in order to afford adequate protection to foreign life and property. This is done at an enormous expense, an informal estimate from some of the naval officers showing that the annual cost to this Government amounts to over $1,000,000. Twice in the past six months this Government has had to interfere in Honduras. Should the convention be put into operation, no such necessity will be likely to arise. The revolutions in Central America are in most instances unprincipled, the main—in fact, the only—object being to gain control of the collection of the customs duties. The removal of such a possibility from the revolutionary horizon would go far toward an effective dampening of the aspirations of adventurers.

The convention would have the effect of affording security to the bondholders; of assuring to Honduras the punctual and complete discharge of her obligations practically without cost to the Government; the enjoyment of continued peace, and the consequent internal development; and to the United States the saving in expense to this Government would alone seem to be a sufficient inducement.

Subsequently to the signing of the convention detailed negotiations were undertaken with a representative of four of the largest banking houses in this country, with a result that contracts, the text of which have already been submitted to the committee, have been drawn and signed. These contracts cover the details that have been worked out for the financial rehabilitation of Honduras. It may here be said that without such convention as has been negotiated none of the banking houses concerned would have been willing to loan Honduras money on anything like the same terms as have now been agreed to, if, indeed, they would have been willing to accept the obligations of that Republic at all. In this connection the benefit of the convention to Honduras is at once apparent. The details of the loan are, roughly, as follows:

The bankers have by previous agreement been able to obtain an option on about $20,000,000 principal of the outstanding foreign debt of Honduras and are confident that the balance will be surrendered upon terms as favorable as those offered to the bondholders now pledged.

Honduras agrees to issue $10,000,000 worth of bonds, $7,500,000 of which are to be issued now, the other $2,500,000 to be issued for the purpose of internal improvement and only when the revenues of the Republic justify it. These bonds the bankers agree to take at 88. The cash thus obtained will be sufficient to provide for the payment of all expenses, for the cancellation of the old outstanding bonds at the rate of 15 per cent of the principal and for the establishment of a cash fund of $2,100,000. This cash fund will be used for three purposes:

(*a*) Approximately $700,000 for the cancellation of the internal debt of Honduras, which amounts, roughly, to $1,700,000.

(*b*) To the provision for the payment, under direct settlement by approval of the State Department or impartial arbitration, of the claims of American citizens.

(*c*) The immediate investment of about $700,000 for the improvement of the Interoceanic Railway which runs from Puerto Cortes inland and which traverses one of the richest Central American banana zones.

Besides the customs revenues which are pledged for the payment of the interest and sinking fund of Honduras's debt on the new bonds, the Government of Honduras has further agreed with the bankers that the railroad at Puerto Cortes shall be extended as stated above, operated under expert management, and that after the proper expenditure of funds for the further development of the road any sums remaining over shall be paid to the fiscal agent for the service of the loan and shall thus partially relieve the customs receipts. The revenues for the road for the last year are calculated to have been about $140,000, and it is believed that with the expenditure above provided they will easily amount to $300,000. The interest cost of service of a loan of $7,500,000 at 5 per cent interest and 1 per cent sinking fund per annum is $450,000. War expenses in Honduras annually average not less than $600,000, and it must be assumed that these will be reduced by at least one-half. In other words, aside from the increase of the customs receipts under an honest and competent administration, sufficient funds would result from the earnings of the railway and decrease of the war expense to service the loan without cost to Honduras.

The price to be paid for the bonds by the bankers, that is, 88, in comparison with the price paid for the Dominican bonds, 98.5, both at 5 per cent interest, may perhaps cause surprise. Bearing in mind, however, that when the Dominican loan was taken there was already on deposit in New York the large sum of $3,800,000 collected under the modus vivendi, and the success of the loan was assured, besides the fact that the Dominican bonds were used to the extent of 80 per cent for the extinguishment of the claims outstanding against the Republic; and considering the woeful condition of Honduras's present financial status, her depleted credit, and the fact that the success of the loan has not yet been fiscally demonstrated, the price is not surprising. The price, comparatively speaking, is higher than any prices obtained for bonds by any Central American State. Salvador, which has the best credit of all, commands a price of 99 for 6 per cent bonds, thus paying $1 per annum for the use of $16.50. Nicaraguan bonds, also 6 per cent, have been quoted as high as 93. They were taken by the bankers at 75, so that Nicaragua paid $1 per annum for the use of $15.50. The Guatemalan 4 per cent bonds were sold in the neighborhood of 44, thus Guatemala pays $1 per annum for the use of $11. Costa Rican 5 per cent bonds have been averaging about 45, thus Costa Rica is paying $1 per annum for the use of $9. Honduras 5 per cent bonds will be taken at 88, thus Honduras will be compelled to pay $1 per annum for the use of $17.60.

From past experience of the United States in Central America it is manifest that either with or without a convention we must to some extent exert influence for peace and order. With the convention as it stands any intervention that may occur will be by virtue of a treaty right. Without the convention any intervention there may be must be of an armed and forcible character. Without the convention we must, when unfortunately necessary, intervene. With the convention intervention will probably be rendered unnecessary.

Whether rightfully or wrongfully, we are in the eyes of the world and because of the Monroe doctrine, held responsible for the order of Central America, and its proximity to the Canal Zone makes the preservation of peace in that neighborhood particularly necessary.

Aside from the purely altruistic motives which have been pointed out above, it must be borne in mind that there is another and a selfish motive which counsels the adoption of the present convention. The development and peace of all Central America must result in a direct and very substantial benefit to the southern ports of the United States—Galveston, New Orleans, Mobile, etc.—as they will all have more frequent intercourse and be able to cultivate a more extensive market for their products, while the Central American Republics, with their production increased, will find a ready market in these gateways of the United States. Railways leading to them must carry this freight for distribution throughout the Southern States.

For the fiscal year 1908–9 the total imports of the Republic of Honduras amounted to $2,581,553, of which the United States alone furnished $1,769,876, or over 68 per cent.

The amount of the export trade of Honduras for the same period was $1,990,601, of which the United States alone took $1,834,565, or more than 92 per cent.

As stated above, most of this trade is carried on with Honduras from the Gulf ports of the United States.

The principle involved, therefore, in this convention, which will enable the maintenance of peace in Central America, is in reality most important from a material standpoint to the South. In short, the matter may be summed up as follows:

Shall the Government of the United States make American capital an instrumentality to secure financial stability, and hence prosperity and peace, to the more backward Republics in the neighborhood of the Panama Canal? And in order to give that measure of security which alone would induce capital to be such instrumentality without imposing too great a burden upon the countries concerned, shall this Government assume toward the customs collections a relationship only great enough for this purpose—a relationship, however, the moral effect and potentialities of which result in preventing the customs revenues of such Republic from being seized as the means of carrying on devastating and unprincipled revolutions?

I here desire to invite the attention of the committee to this important feature of the policy so wisely adopted by the last administration, which it is now desired to extend to Honduras. This feature is that the more this plan of assistance to some of the more backward republics is extended, the less becomes the degree of intimacy established between the Government of the United States and that of the country to which the aid is given. I refer in particular to the fact that the provision in the Dominican convention made the general receiver of customs an appointee of the President of the United States, whereas the Honduras convention makes the collector of customs an appointee of the Government of the Republic of Honduras, the degree of intimacy in connection therefore being to that extent lessened. It may possibly be necessary to sign one more convention with provisions practically identical with this for the purpose of assisting the Government of Nicaragua, but in regard to the other Central American States it may be confidently stated that such a degree of intimacy will not be necessary. In the case of Costa Rica, which has just refunded its foreign debt, any possible relation on the part of this Government becomes effective only in case of default. In regard to Guatemala, which has recently indicated its desire to enlist the helpful support of this Government in rehabilitating its finances, the degree of intimacy will probably be even less. And in regard to Salvador no relation between this Government and the Government of that Republic concerning its foreign debt exists. In other words, the intimacy decreases in proportion as the ability and readiness of the country to meet its obligations increases. This, therefore, is not a policy of which the end can not be seen. The adoption of this convention is not setting such a precedent as might be desired to apply subsequently to all of the Caribbean Republics. This and the Nicaraguan convention will probably be the only two that it will be necessary for this Government to negotiate.

The contracts negotiated between the bankers and the Government of Honduras, in order to insure their fairness with regard to that Republic, have been subjected to the careful scrutiny of the Department of State, and have, further, been submitted to be examined from the standpoint of Honduras by financial and legal experts in New York, who have passed them as fair and equitable and probably the best that can be procured for Honduras under all the circumstances.

OBJECTIONS TO THE TREATY.

Objection has been raised to this treaty because Honduras "agrees not to alter the import or export customs duties or other charges affecting the entry, exit, or transit of goods during the existence of the loan under the said contract without consultation and agreement with the Government of the United States."

This is not an unusual provision. I beg to file with the committee a memorandum which I have had prepared, showing numerous instances in which Governments have obligated themselves by treaty to other Governments not to change their customs tariffs. As stated in this memorandum, these instances may be classified under three heads:

1. Cases where favored treaty rates that are set forth in a schedule annexed to the treaty have been granted by countries without reciprocal obligation on the part of the other party to the treaty. The United States has three treaties in force of this nature binding China, Korea, and Siam, respectively, to accord to it favored rates without any reciprocal obligation on its part.

2. Cases where one Government agrees that its tariff legislation shall be subject to the approval of one or more foreign Governments. A most striking instance of this kind is the relation between the Ottoman Empire and the Powers. Another case is the relation between the United States and Santo Domingo under the convention of February 8, 1907.

Under Article III of this convention, which is substantially similar in effect to Article II of the Honduras convention, the Dominican Government covenants that an agreement between itself and the United States shall be necessary in order to enable it to modify the import duties.

3. Tariff concessions exchanged between governments in reciprocity treaties or agreements.

Morocco also belongs among the countries mentioned under the first head, since it is bound in its treaties to impose only certain specific duties mentioned therein on exports and imports for no reciprocal consideration. The whole of these customs duties have now been pledged to the payment of interest under two loans made in 1904 and 1910 under the auspices of the French Government between Morocco and certain bankers. The collection of these customs revenues is "controlled" by agents of the loan.

Persia also comes under this head, as I believe that that Government also grants in its treaties specific customs duties for no reciprocal consideration. These customs revenues have also been pledged to pay the interest on certain loans.

In addition to these three classes, an instance of quasi-restraint in respect to tariff legislation on the part of one government over another government is afforded by the tariff relations between the Isthmian Canal Zone and the Republic of Panama. The order of the Secretary of War of the United States (Circular No. 45 of Jan. 9, 1911) establishes free entry for goods imported from Panama into the Canal Zone, "provided, however, that this order shall cease to be operative" if Panama should increase the rates of duty on certain imported articles or should alter certain other legislation.

Somewhat analogous to the preceding instances is the provision in Article II of our treaty with Cuba of 1903, known as the Platt amendment, by which Cuba obligates herself to the United States that she will "not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island after defraying the current expenses of the Government shall be inadequate."

Also analogous is the protocol of agreements of 1903 between Venezuela, Great Britain, Germany, and Italy, to which the United States and other powers are parties, by which Venezuela agrees to set aside 30 per cent of the customs revenues of La Guaira and Puerto Cabello for the payment of the claims of all nations against Venezuela.

There also existed in Greece, at all events up to quite recently, a certain international control over the Hellenic finances, which was granted by Greece in view of the pressure of the powers on account of her then practically insolvent condition.

The above are instances of obligations taken by one government to one or more others in regard to their customs tariffs. The cases where governments have pledged their customs revenues or a certain percentage of such revenues to foreign banks or corporations especially to secure loans are extremely numerous. It may indeed be said that except in the case of governments whose credit is of high standing it is practically the usual course in making loans for them to pledge specific revenues for their payment.

As the loan which Honduras undertakes to make by Article I of the convention is stated in Article II to be secured by the customs of the country, it seems clear that some covenant of the nature of that in Article II of the convention is absolutely necessary in order to insure that the interest on the loan shall be fully paid; otherwise, by altering these duties or placing other charges affecting the entry, exit, or transit of goods, the Government of Honduras would be able to reduce these revenues so that they would no longer suffice for the purpose intended by the convention. There is certainly no inequity in the lender requiring that the security of his loan shall be properly protected ,and that it shall be sufficient. Moreover, if Americans are not able to obtain this proper security in order to enable them to take this loan, foreign bankers will do so with a customs guarantee which might later involve the Monroe doctrine.

You will observe that the contract between Honduras and the fiscal agent of the loan contains, in Article III, a somewhat similar covenant, providing substantially that unless and until the customs revenues have exceeded a certain amount they can not be changed without the written consent of the fiscal agent. The reason why, in addition to this covenant, the somewhat similar covenant was introduced into the convention was chiefly in the interest of Honduras. It is believed that the fiscal agent in considering whether he will agree to any alteration of the duties which might be desired by Honduras will be actuated solely by considerations affecting the security of the bondholders' interest, while by adding this covenant to the United States in the convention an opportunity will be afforded to Honduras to have any such request on her part considered upon broader ground, involving not only the bondholders' interest but those of Honduras as well.

It may be noted in this connection that the provision substantially similar in effect in Article III of our treaty with Santo Domingo in 1907 already mentioned has operated satisfactorily in the interests of Santo Domingo in this respect, the United States having consented, subsequent to its becoming effective, to a number of reductions in tariff dues, including one entire downward revision of the tariff, after convincing itself that such was for the benefit of Santo Domingo and not injurious to the proper security of the bondholders.

Nor does it seem that the execution of such a provision is likely to cause difficulty, for upon a request to alter any duty made by Honduras it will readily be possible for this Government, through its Legation in Honduras and the fiscal agent of the loan, to ascertain what effect this alteration will presumably have upon the revenues of the country, and thereupon to assist in an agreement equitable alike to Honduras and the bondholders. It would not seem that such a provision, which in effect merely enables this Government under these circumstances to use its good offices in favor of both parties, could relate this Government too intimately with the Government of Honduras.

It thus results that the provision of the convention necessitating the advice and consent of this Government to the change in customs duties by Honduras is a help rather than a hindrance to that Republic, and is largely designed to safeguard its interests and to enable it to effect changes in its customs tariff when it otherwise might be unable to persuade the fiscal agent, whose interests are somewhat opposed, as to the advisability of any alteration.

It is also objected that we should not interfere with the internal affairs of Honduras.

Are such limited good offices and protection that Honduras invites us to lend her in this case such an interference with her internal affairs that they should be denied under the general policy of this Government to keep aloof from the internal affairs of other countries, and is it not true that for many years past, sometimes with and frequently without, the invitation of the Central American Republics, we have been compelled to interfere with their affairs, in order to keep the peace in the Western Hemisphere?

Another objection arises out of the character of the indebtedness of Honduras. It is alleged that she is neither morally nor legally bound for the enormous sums represented by her outstanding obligations.

It is probably true that Honduras never received anything like a fair share of the face of her bonds and that an equitable adjustment of her debt is a necessity.

Well, that is just the matter in hand, and in such a matter some one must decide what is fair and right under all the circumstances, and the obvious parties to do that are the debtor and creditor. Who else can do it, and if this proposition fails how can the United States prevent Honduras from making a similar or some other arrangement with her foreign creditors without such an interference in her affairs and the affairs of the nationals of other governments of a nature far more serious in its possibilities than the contemplated supervision of her customs collections by her invitation? Moreover, what steps will the United States take to prevent the seizure of Honduran customhouses if she makes no settlement with her creditors?

I suppose it is no exaggeration to say that fraud and usury are common incidents to Central American public debts.

The San Domingo treaty recites that her debt was partly fraudulent and this is probably why her creditors stood the reduction demanded. If it is conceded that 75 per cent of the Honduras debt should not be paid, it is answered that broadly speaking it is proposed to reduce it over 90 per cent.

The situation in Honduras is not to be cleared up by railing at the methods which brought it about. It is no excuse for refusing to pull an injured man out of a pit that his unfortunate position is the result of his own misconduct. Surely we are there confronted with a most deplorable condition.

We can not blink the fact that there is no hope for peace and prosperity for Honduras except through the United States. All she now asks is, Will you assist us to make the security good which we offer for the debt we are incurring, at a reasonable rate of interest, by helping us to secure an honest collection of our revenues, or will you, by withholding that assistance, drive us back upon the usurers and plunderers who have brought us to our present stagnation?

It is well here to recall again that the debt of Honduras falls under two classifications: The foreign debt, which can be liquidated for about $4,050,000, and the internal debt, which it is estimated will be liquidated for about $700,000. But the validity and the amounts of this internal debt are to be determined either by agreement, approved by an assessor appointed by the Secretary of State, or by three arbitrators, one to be appointed by the Republic of Honduras, one by the claimants, and one by the Secretary of State. This insures the closest scrutiny of that part of the debt in which American citizens are interested. Indeed, how could the equity of the amounts to be paid by Honduras to meet these debts be more circumspectly safeguarded?

The Minister of Salvador, who has recently returned from his country, a few days ago informed me that the result of the signing of this convention, even before its ratification, had already been felt in Central America, and that the Republic of Salvador, in view of the prospect that a stable government was about to be maintained in Honduras, had been able to reduce its military expenses by 75 per cent, and to devote the money thus saved to the extension of public improvements. The decision of the Senate as to its consent to this convention with Honduras involves the parting of the ways in the policy of the United States in Central America and the zone of the Caribbean. This is especially true because however good conditions might become in the northern and southern Republics of Central America, there can be no general stability unless the countries of Honduras and Nicaragua, which form a wide belt across Central America, are placed upon a firm basis. It will be recalled that this principle was unanimously recognized by all of the representatives of the five Central American Republics at the peace conference held in Washington during the months of November and December, 1907, when a convention was adopted which included the following language:

ARTICLE III.

> Taking into account the central geographical position of Honduras and the facilities which, owing to this circumstance, have made its territory most often the theater of Central American conflicts, Honduras declares from now on its absolute neutrality in event of any conflict between the other Republics; and the latter, in their turn, provided such neutrality be observed, bind themselves to respect it and in no case to violate the Honduranean territory.

It carries with it the question of the ability of the Executive of this Government properly to protect and to safeguard and promote not the troublesome and meddling adventurers who go to those countries for unworthy motives, but our citizens who are engaged in the laudable and deserving enterprise of endeavoring legitimately to expand American interests and enterprise in that region; to destroy the industry of the soldier of fortune and convert into a field for commerce and economic development what has been the happy hunting ground of the American adventurer.

In response to the invitation of the Government of Nicaragua, which, after 17 years of disorder and rapine in that country, now seeks to put its house in order, I am now prepared to sign with the Nicaraguan plenipotentiary a similar convention between the United States and that country. Nothing definite has been done, I believe, as to a contract between Nicaragua and American bankers. The idea of the Department of State is that when, with the assistance of the Americans who have been employed by Nicaragua as claims commissioners and financial adviser, the financial strength of the country and the sum of its needs have been calculated, such contract will be drawn up, then the contract would naturally be given to whatever responsible bankers would take the bonds at the most favorable price, other advantages being equal. As in the case of the present convention, no contract would come under the shelter of the protection of the proposed convention with Nicaragua unless it had been sanctioned as the best obtainable both by the Department of State and by the Government of Nicaragua.

Before signing this convention with Nicaragua, I desire to give this information to the committee as still further emphasizing the importance of the convention now before the Senate.

The Executive being charged with the conduct of our foreign relations and the protection of our citizens' interests abroad, and having, after years of study, become convinced that the policy now recommended to the Senate is the way adequately to meet his heavy responsibilities, I can only say, in closing, that in laying this whole situation before the committee I feel that the responsibility of the Executive has been shifted to the Senate, and that if the policy advocated by the Executive be rejected, then, however unsatisfactory the situation of those Republics, their relations to our own national interests, and the condition of the interests of American citizens may hereafter become in the regions referred to, if the Executive finds himself deprived of the best means to cope with the situation thus brought about it will be a deplorable fact, but it will not be due to a failure to study out and to recommend a mode of forestalling such results.

[Appendix to the Secretary's statement.]

MEMORANDUM OF CASES WHERE THE CUSTOMS TARIFF OF ONE COUNTRY CAN NOT BE CHANGED WITHOUT THE CONSENT OF ONE OR MORE FOREIGN GOVERNMENTS; IN OTHER WORDS, CASES WHERE TARIFF CONCESSIONS GRANTED BY ONE COUNTRY TO FOREIGN COUNTRIES TIE THE HANDS OF THE LEGISLATIVE BODY OF THE COUNTRY MAKING THE CONCESSIONS DURING A CERTAIN PERIOD PROVIDED FOR IN THE CONVENTION.

These cases may be classified under three heads:

(1) Cases where favored treaty rates that are set forth in a schedule annexed to the treaty have been granted by countries without reciprocal obligation on the part of the other party to the treaty. The following examples may be cited among the treaties in force of the United States, viz:

China.—Treaty as to commercial relations signed October 8, 1903; proclaimed January 13, 1904. Lengthy import tariff of Chinese duties annexed, applicable to imports into China from the United States. Article V provides that the tariff duties to be paid by citizens of the United States on goods imported into China shall be as set forth in the schedule annexed thereto and made a part of the treaty, subject only to such amendments and changes as are authorized by Article IV of the treaty or as may thereafter be agreed upon by the parties. Article XVII provides that the treaties shall remain in force for a period of 10 years beginning with the date of the exchange of ratifications (Jan. 13, 1904) until a revision is effected at the end of 10 years. If no revision is demanded before the end of the first term of 10 years, then the treaty remains in force unchanged for a further term of 10 years and so on for successive periods of 10 years. In this way the Chinese tariff rates are bound during a long period of years.

Korea.—Treaty of peace, amity, commerce and navigation, signed May 22, 1882; proclaimed June 4, 1883. This treaty provides, in Article V, that the tariff duties upon such imports into Korea from the United States as are articles of daily use shall not exceed 10 per cent ad valorem; those upon luxuries shall not exceed 30 per cent ad valorem; and those upon native produce exported shall not exceed 5 per cent ad valorem. The tonnage duties on United States merchant vessels are also limited. Provision is made in the treaty for its revision after an interval of five years. This treaty was in effect when Japan took over the complete administration of Korea, and, while Japan has notified the United States of its termination, the treaty features continue in force for a period of 10 years from August 29, 1910, the date of Japan's formal declaration on the subject.

Siam.—Treaty of amity and commerce, signed May 29, 1856; proclaimed August 16, 1858. There is annexed to this treaty the general regulations under which American trade is to be conducted in Siam, including the tariff of export and inland duties to be levied by Siam on articles of trade. This treaty is still in force. Article X provides that after the lapse of 10 years from the date of ratification of the treaty upon the desire of either Government, and on 12 months prior notice, there may be a revision. No revision seems to have been made.

Morocco.—Treaty of peace and friendship, signed September 16, 1836; proclaimed January 3, 1837. Article 14 of this treaty provides that "the commerce of the United States shall be on the same footing as is the commerce of Spain or as that of the most favored nation, for the time being." Other treaties between Morocco and foreign powers bind Morocco to impose only certain specific duties mentioned therein on imports and exports for no specific consideration. The benefit of these duties accrues to the United States through article 14 of the treaty of 1836. Article 25 of this treaty, which is still in force, provides that it shall continue in force for 50 years.

Persia.—Treaty of friendship and commerce, signed December 13, 1856; proclaimed August 18, 1857. Article 4 provides that merchandise imported or exported by citizens or subjects of each country shall not pay other duties than those charged to the citizens of the most favored nations. Until 1903, other treaties between Persia and foreign powers bound Persia to impose only certain specific duties mentioned therein on imports and exports for no specific consideration. The benefit of these treaties up to 1903 when they were denounced and a regular tariff law was put in force by Persia, accrued to the United States through article 4 of this treaty. Article 8 of this treaty provides that it shall continue in force for 10 years or until within one year after denunciation.

Practically all the European powers have unilateral tariff treaties of this kind with China, Korea, and Siam.

(2) Cases where one government agrees that its tariff legislation shall be subject to the approval of one or more foreign governments. The most striking instance of this kind is the relation between the Ottoman Empire and the powers. No change in the import tariff of Turkey may be made without the consent of the powers first secured. For many years the uniform import duty was 8 per cent ad valorem. The consent of the powers was obtained by Turkey and she raised the rate to 11 per cent, at which rate it now remains. She is now in process of obtaining the consent of the powers to a further increase in the rate to 15 per cent ad valorem.

Another case is the relation between the United States and the Dominican Republic, in virtue of the convention of February 8, 1907, between the two countries. Under Article III of this convention the Dominican Government agrees not to change its import duties, before obtaining the consent of the United States Government, this consent being an indispensable condition for the modification of such import duties.

(3) Tariff concessions exchanged between Governments in reciprocity treaties or agreements. These are either (*a*) preferential tariff reductions reserved exclusively for the products of the contracting countries, or (*b*) conventional tariff rates that are given wide application through the operation of the most-favored-nation clause in pursuance of the European construction of that clause.

At the present time the United States has in force only one reciprocity treaty and no reciprocity agreement. Our reciprocity treaty with Cuba, signed December 11, 1902, proclaimed December 17, 1903, illustrates very well the cases in this category. In this treaty the two contracting parties mutually bind in favor of each other their respective free lists. The United States agrees to admit all dutiable imports from Cuba at a flat preferential tariff reduction of 20 per cent below the regular rates, while Cuba reciprocates by preferential tariff reductions ranging from 20 per cent to 40 per cent according to the classes of American products.

This treaty was made for a period of five years, and continues in force from year to year thereafter until the expiration of one year from the date of notice of termination on the part of either party. It contains a provision, however, that it may be terminated on six months' prior notice by either party in the event of adverse tariff legislation on the part of the other. The restraining effect of the treaty on our legislation might be illustrated by assuming that Congress were to transfer from the free list to the dutiable list some article that was on our free list at the time the treaty was signed; for example, bananas. The United States, in order to avoid violating the treaty, would be obliged to admit Cuban bananas free of duty, while those from the rest of the world would be subject to duty. According to our jurisprudence, however, neither a commercial treaty nor the enabling legislation based upon it and duly enacted stands upon a higher plane than any other tariff legislation. Hence, strictly speaking, Congress may, at any time, and without notice, pass legislation which will abrogate the provisions of a reciprocity treaty. While this is the strict legal point of view it is not the equitable international viewpoint, and Congress recognized it by making a special reservation in favor of the Cuban treaty in the Payne-Aldrich law (sec. 3). Notwithstanding the legal point mentioned it can not be denied that the preferential tariff concessions made by the United States in the Cuban treaty or any similar treaty impose the strongest kind of a moral restraint upon the freedom of action of Congress to the extent of constraining it to enact no legislation that will prevent complete observance of the treaty on the part of the United States so long as it shall remain in force in conformity with its provisions for termination.

The second class of reciprocity concessions is by far the more numerous. The following countries employ the general and conventional tariff system, using a dual tariff, consisting of the general tariff adopted by the legislative body and a lower scale of duties representing the aggregate reductions of duty made in a series of reciprocity treaties with other members of the group—viz, Germany, Austria-Hungary, Russia, Italy, Switzerland, Servia, Roumania, Bulgaria, and Japan. To this list might be added Belgium, which enters freely into tariff treaties of this kind, but follows the practice of immediately generalizing the treaty reductions of duty by act of Parliament, thereby leaving the country with a single tariff system at all times. Greece also follows the general and conventional tariff system to a limited extent. The unconditional interpretation of the most-favored-nation clause is an essential feature of this tariff system. The treaties which create the conventional tariffs are accompanied by schedules of reductions of duty below the regular rates on imports into one contracting country from the other contracting party; but by the operation of the most-favored-nation clause, following the European interpretation of the same, the benefit of one and all tariff concessions is extended to all members of the group and to countries outside the group which have treaty relations containing the most-favored-nation clause with the contracting parties to the reciprocity series. Thus the benefits of reciprocity are extended beyond the immediate contractors.

All the existing German reciprocity treaties, and most of the like treaties between other European countries, are made for a period of at least 12 years, and will terminate on December 31, 1917, provided a year's prior notice shall be given by either contracting party; if no notice of termination shall be given the treaties will continue indefinitely from year to year until the expiration of one year after notice of denunciation by either party. During this long period of 12 years the legislative bodies of the respective countries are restrained very effectively against increasing the tariff rates above the treaty rates on goods imported from the contracting countries; but not, of course, on goods imported from nontreaty countries—that is, those that do not have even most-favored-nation guaranties. To show the wide application of this system it may be mentioned that there are about 40 different countries in the world whose imports enjoy the benefit of the complete conventional tariff of Germany on their importation into that country by virtue of treaty stipulation, although there are only about eight or nine countries with which Germany has made reciprocity treaties that remain in force.

The following list shows the existing reciprocity treaties of European States—that is, treaties with tariffs annexed where restraint is imposed on the legislative bodies in respect of tariff legislation during the conventional terms:

GERMANY.

The new general tariff, although adopted December 25, 1902, did not come into effect until March 1, 1906. The present conventional tariff, created by the following treaties, came into force on the same date, the interval being employed in the treaty negotiations:

Austria-Hungary, January 25, 1905.
Belgium, June 22, 1904.
Italy, December 3, 1904.
Roumania, October 9–21, 1904.
Russia, July 28, 1904.
Sweden, May 8, 1906.
Switzerland, November 12, 1904.
Servia, November 16–29, 1904.
Bulgaria, August 1, 1905.

AUSTRIA-HUNGARY.

The new general tariff came into effect March 1, 1906. The present conventional tariff was created by the following reciprocity treaties:

Germany, January 25, 1905.
Belgium, February 12, 1906.
Italy, February 11, 1906.
Russia, February 15, 1906.
Switzerland, March 9, 1906.
Servia, July 14–27, 1910.
Roumania, April 23, 1909.

RUSSIA.

The present autonomous tariff for the European trade entered into operation March 1, 1906, by imperial decree. The present conventional tariff has been fixed by the following reciprocity treaties:

Austria-Hungary, February 15, 1906.
Germany, July 28, 1904.
Italy, June 28, 1907.

ITALY.

The present general tariff of Italy entered into effect on March 1, 1906. The present conventional tariff has been established by the following reciprocity treaties:

Austria-Hungary, February 11, 1906.
Bulgaria, January 13, 1906.
Germany, December 3, 1904.
Roumania, December 5, 1906.
Russia, June 28, 1907.
Servia, January 14, 1907.
Switzerland, July 13, 1904.

SWITZERLAND.

The present general tariff of Switzerland went into effect January 1, 1906. The present conventional tariff is based on the following reciprocity treaties:

Austria-Hungary, March 9, 1906.
France, October 20, 1906.
Germany, November 12, 1904.
Italy, July 13, 1904.
Servia, February 28, 1907.
Spain, September 1, 1906.

BELGIUM.

(For explanation of the Belgium tariff system see supra.)

Austria-Hungary. February 12, 1906.
Germany, June 22, 1904.
Roumania, June 5–23, 1906.
Servia, April 11–24, 1907.

SERVIA.

The present general tariff of Servia is the law of 1899 as amended in 1900 and 1902. The present conventional tariff is based on the following reciprocity treaties: Belgium, Germany, France, Italy, Switzerland, and Austria-Hungary.

ROUMANIA.

The present general tariff of Roumania went into effect March 1, 1906. The present conventional tariff is based on reciprocity treaties with Austria-Hungary, Belgium, France, Germany, Great Britain, Italy, and Turkey.

BULGARIA.

Bulgaria even before independence enjoyed tariff autonomy. The present tariff as modified by convention went into effect January 14, 1906. Reciprocity treaties have been concluded with the following countries: France, Germany, Great Britain, Italy, and Turkey.

An instance of quasi restraint in respect of tariff legislation on the part of one government over another government is perhaps afforded by the tariff relations between the United States and Panama. The nature of this restraint exercised by the United States is disclosed in the appended circulars issued by the Isthmian Canal Commission on the following dates: June 25, 1904; December 30, 1904; January 10, 1905; and January 9, 1911. The last-mentioned circular will explain the situation. The order of the Secretary of War of the United

States, dated at Panama December 3, 1904, and promulgated by the Isthmian Canal Commission in Circular No. 4, December 30, 1904, defined the tariff relations between the Canal Zone and the Republic of Panama, establishing free entry for goods imported from that Republic into the zone, subject to an important condition that the Government of Panama should make reductions in her tariff on certain goods and not increase the rates on other schedules. This proviso has been modified by Circular No. 4, of January 9, 1911, so far as relates to the tariff feature, as follows:

> Provided, however, that this order shall cease to be operative:
>
> First. If the Republic of Panama should at any time increase the rate of duty on imported articles described in class 2 of the act of the National Convention of Panama passed July 5, 1904, and effective October 12, 1904, above 15 per cent ad valorem, provided for in said act; or if the said Republic should increase at any time the rates of duty on the imported articles described in the other schedules of said act, except on all forms of imported wines, liquors, alcohols, and opium, upon which the Republic may fix higher rates.

Copies of the circulars to which I have referred are annexed hereto.

Another instance of quasi restraint existed in Greece up to quite recently, where, on account of the practically insolvent condition of the Hellenic finances, the great European powers intervened to assist Greece to settle her debt in return for a certain international control of her finances.

In the foregoing memorandum I have made no reference to reciprocity arrangements entered into by double-tariff countries like France and Spain, which employ the maximum and minimum tariff system. These need not be considered in this connection for the reason that both the maximum tariff and the minimum tariff are enacted simultaneously by the legislative body, so that the system permits, at all times, complete national autonomy in the evolution of the dutiable schedules and eliminates the question of diplomatic interposition on the part of foreign Governments in the construction of conventional tariffs. France may, and sometimes does, enter into reciprocity treaties with foreign Governments, engaging to grant her minimum tariff in whole, or in part, in return for reduced tariff rates on the part of the other contracting party. France, however, does not engage not to increase the minimum tariff, but merely to grant minimum tariff treatment, without discrimination.

[Inclosure 1.]

Circular No. 1,
Isthmian Canal Commission.

OFFICE OF THE ISTHMIAN CANAL COMMISSION,
Washington, D. C., June 25, 1904.

The following order of the Secretary of War is published for the information and guidance of all concerned:

WAR DEPARTMENT,
Washington, June 24, 1904.

To the CHAIRMAN OF THE ISTHMIAN CANAL COMMISSION.

SIR: The necessities of the inhabitants and the due administration of the affairs of government in the Canal Zone at Panama require the establishment of post offices and postal service in that territory.

It is therefore ordered that a post office be established in each of the following-named towns of the Canal Zone, to wit: Cristobal, Gatun, Bohio, Gorgona, Bas Obispo, Empire, Culebra, La Boca, and Ancon.

The post offices at Cristobal and Ancon shall be money-order offices.

The Governor of the Canal Zone is hereby authorized to appoint postmasters for the post offices herein established and fix the compensation therefor, subject to the approval of the Isthmian Canal Commission.

The Governor of the Canal Zone is directed to formulate a plan for a practical and efficient postal service in said Canal Zone, and including such measures and provisions of the postal service of the United States as are not inapplicable to the conditions of law and fact existing in the Canal Zone, and to report said plan to the chairman of the Isthmian Canal Commission for such action as the discretion of the commission shall approve.

Pending the establishment of the postal service by act of the commission or other competent authority, the Governor of the Canal Zone is hereby authorized to establish post offices at such additional places in the Canal Zone as in his judgment the interests of the public require, and to appoint postmasters therefor and fix their compensation, subject to the approval or other action thereon by the Isthmian Canal Commission.

The Governor of the Canal Zone is also authorized to adopt and enforce such temporary rules, regulations, provisions, and requirements as may be necessary to secure a practical and efficient postal service in said Canal Zone; and to employ such temporary assistants and employees as the exigencies of the service require.

By direction of the President:

Wm. H. Taft,
Secretary of War.

This order will be duly published and enforced.

J. G. Walker,
Chairman Isthmian Canal Commission.

[Inclosure 2.]

Circular No. 4,
Isthmian Canal Commission.

Office of the Isthmian Canal Commission,
Washington, D. C., December 30, 1904.

The following order of the Secretary of War is published for the information and guidance of all concerned:

Panama, *December 3, 1904.*

By direction of the President it is ordered that, subject to the action of the Fifty-eighth Congress as contemplated by the act of Congress approved April 28, 1904:

Section 1. No importation of goods, wares, and merchandise shall be entered at Ancon or Cristobal, the terminal ports of the canal, except such goods, wares, and merchandise as are described in Article XIII of the treaty between the Republic of Panama and the United States, the ratifications of which were exchanged on the 26th day of February, 1904, and except goods, wares, and merchandise in transit across the Isthmus for a destination without the limits of said Isthmus, and except coal and crude mineral oil for fuel purposes to be sold at Ancon or Cristobal to seagoing vessels, said coal and oil to be admitted to those ports free of duties for said purposes:

Provided, however, that this order shall be inoperative, first, unless the Republic of Panama shall reduce the ad valorem duty on imported articles described in class 2 of the act of the National Convention of Panama passed July 5, 1904, and taking effect October 12, 1904, from 15 per cent to 10 per cent and shall not increase the rates of duty on the imported articles described in the other schedules of said act except on all forms of imported wines, liquors, alcohol, and opium, on which the Republic may fix higher rates; second, unless article 38 of the constitution of the Republic of Panama as modified by article 146 thereof shall remain in full force and unchanged so far as the importation and sale of all kinds of merchandise are concerned; third, unless the consular fees and charges of the Republic of Panama in respect to entry of all vessels and importations into said ports of Panama and Colon shall be reduced to 60 per cent of the rates now in force; and, fourth, unless goods imported into the ports of Panama and Colon consigned to or destined for any part of the Canal Zone shall not be subjected in the Republic of Panama to any other direct or indirect impost or tax whatever.

SEC. 2. In view of the proximity of the port of Ancon to the port of Panama, and the port of Cristobal to the port of Colon, the proper customs or port official of the Canal Zone shall, when not inconsistent with the interests of the United States, at the instance of the proper authority of the Republic of Panama, permit any vessel, entered at or cleared from the ports of Panama and Colon, together with its cargo and passengers, under suitable regulations for the transit of the imported merchandise and passengers to and from the territory of the Republic of Panama, to use and enjoy the dockage and other facilities of the ports of Ancon and Cristobal, respectively, upon payment of proper dockage dues to the owners of said docks:

Provided, however, that reciprocal privileges as to dockage and other facilities at Panama and Colon, together with suitable arrangement for transit of imported merchandise and passengers to and from the territory of the Canal Zone, shall be granted by the authorities of the Republic of Panama, when not inconsistent with its interests, to any vessel, together with its cargo and passengers, entered at or cleared from the ports of Ancon and Cristobal: Provided, however, that nothing herein contained shall affect the complete administrative, police, and judicial jurisdiction of the two Governments over their respective ports and harbors, except as hereinafter provided in section 6:

Provided, also, that vessels entering or clearing at the port of Panama shall have the absolute right freely to anchor and lade and discharge their cargoes by lighterage from and to Panama at the usual anchorage in the neighborhood of the islands of Perico, Flamenco, Naos, and Culebra though included in the harbor of Ancon under the provisional delimitation as amended under section 5 hereafter, and to use the said waters of said harbor for all lawful commercial purposes.

SEC. 3. All manifests and invoices and other documents in respect to vessels or cargoes cleared or consigned for or from the ports of Panama and Colon shall, as heretofore, be made by the officials of the Republic of Panama. All manifests, invoices, and other documents in respect to the vessels and cargoes cleared or consigned for or from the ports of Ancon or Cristobal shall be made by officials of the United States.

SEC. 4. No import duties, tolls, or charges of any kind whatsoever shall be imposed by the authorities of the Canal Zone upon goods, wares, and merchandise imported, or upon persons passing from the territory of the Republic of Panama into the Canal Zone, and section 5 of the executive order of June 24, 1904, providing that duties on importations into the Canal Zone are to be levied in conformity with such duties as Congress has imposed upon foreign merchandise imported into ports of the United States is hereby revoked, but this order shall be inoperative unless the authorities of the Republic of Panama shall grant by proper order reciprocal free importation of goods, wares, and merchandise and free passage of persons from the territory of the Canal Zone into that of the Republic of Panama.

SEC. 5. The provisions of this order also shall not be operative except upon the condition that the delimitation of the cities and harbors of Colon and Panama, signed on the 15th day of June, 1904, by the proper representatives of the Governments of the Republic of Panama and of the Canal Zone, shall be provisionally enforced, and while the same shall remain in force with the consent of both parties thereto the provisional delimitation shall include not only the terms set forth in the writing thereof, but also the following, viz: That the harbor of Panama shall include the maritime waters in front of said city to the south and east thereof, extending 3 marine miles from mean low-water mark, except the maritime waters lying westerly of a line drawn from a stake or post set on Punta Mala through the middle island of the three islands known as Las Tres Hermanas, and extending 3 marine miles from mean low-water mark on Punta Mala, which waters shall be considered in the harbor of Ancon.

SEC. 6. This order also shall be inoperative unless the proper governmental authorities of the Republic of Panama shall grant power to the authorities of the Canal Zone to exercise immediate and complete jurisdiction in matters of sanitation and quarantine in the maritime waters of the ports of Panama and Colon.

SEC. 7. The executive order of June 24, 1904, concerning the establishment of post offices and postal service in the Canal Zone is modified and supplemented by the following provisions:

All mail matter carried in the territory of the Canal Zone to or through the Republic of Panama to the United States and to foreign countries shall bear the stamps of the Republic of Panama properly crossed by a printed mark of the Canal Zone Government. and at rates the same as those imposed by the Government of the United States upon its domestic and foreign mail matter, exactly as if the United States and the Republic of Panama for this purpose were common territory. The authorities of the Canal Zone shall purchase from the Republic of Panama such stamps as the authorities of the Canal Zone desire to use in the Canal Zone at 40 per cent of their face value; but this order shall be inoperative unless the proper authorities of the Republic of Panama shall by suitable arrangement with the postal authorities of the United States provide for the transportation of mail matter between post offices on the Isthmus of Panama and post offices in the United States at the same rates as are now charged for domestic postage in the United States, except all mail matter lawfully franked and inclosed in the so-called penalty envelopes of the United States Government concerning the public business of the United States, which shall be carried free, both by the Governments of Panama and of the Canal Zone; provided, however, that the zone authorities may, for the purpose of facilitating the transportation of through mail between the zone and the United States in either direction, inclose such through mail properly stamped or lawfully franked in sealed mail pouches, which shall not be opened by the authorities of the Republic of Panama in transit, on condition that the cost of transportation of such mail pouches shall be paid by the Zone Government.

SEC. 8. This order also shall not be operative unless the currency agreement made at Washington June 20, 1904, by the representatives of the Republic of Panama and the Secretary of War of the United States, acting with the approval of the President of the United States. for the establishment of a gold standard of value in the Republic of Panama, and proper coinage shall be approved and put into execution by the President of the Republic of Panama, pursuant to the authority conferred upon him by law of the Republic of Panama, No. 84, approved June 20, 1904, and unless the President of the Republic of Panama, in order that the operation of the said currency agreement in securing and maintaining a gold standard of value in the Republic of Panama may not be obstructed thereby. shall by virtue of his authority conferred by law No. 65. enacted by the National Assembly of Panama on June 6, 1904, abolish the tax of 1 per cent on gold coin exported from the Republic of Panama.

SEC. 9. Citizens of the Republic of Panama at any time residing in the Canal Zone, shall have, so far as concerns the United States, entire freedom of voting at elections held in the Republic of Panama and its provinces or municipalities at such places outside of the Canal Zone as may be fixed by the Republic and under such conditions as the Republic may determine. but nothing herein is to be construed as intending to limit the power of the Republic to exclude or restrict the right of such citizens to vote as it may be deemed judicious.

SEC. 10. The highway extending from the eastern limits of the city of Panama, as fixed in the above-mentioned provisional delimitation agreement of June 10. 1910, to the point farther to the eastward where the road to the "Savannas" crosses the zone line (which is 5 miles to eastward of the center axis of the canal) shall be repaired and maintained in a serviceable condition at the cost and expense of the authorities of the Canal Zone, and also in like manner the said road from the said eastern limits of the city of Panama to the railroad bridge in the city of Panama shall be repaired at the cost of the authorities of the Canal Zone, but this order shall not be operative unless the Republic of Panama shall waive its claim for compensation for the use in perpetuity of the municipal buildings located in the Canal Zone.

SEC. 11. The United States will construct, maintain, and conduct a hospital or hospitals either in the Canal Zone or in the territory of the Republic, at its option. for the treatment of persons insane or afflicted with the disease of leprosy, and indigent sick, and the United States will accept for treatment therein such persons of said classes as the Republic may request, but this order shall not be operative unless, first, the Republic of Panama shall furnish without cost the requisite lands for said purposes if the United States shall locate such hospital or hospitals in the territory of the Republic, and, second, unless the Republic shall contribute and pay to the United States a reasonable daily per capita charge in respect of each patient entering upon the request of the Republic, to be fixed by the Secretary of War of the United States.

SEC. 12. The operation of this executive order and its enforcement by officials of the United States on the one hand, or a compliance with and performance of the conditions of its operation by the Republic of Panama and its officials on the other, shall not be taken as a delimitation, definition, restriction, or restrictive construction of the rights of either party under the treaty between the United States and the Republic of Panama.

This order is to take effect on the 12th day of December, 1904.

WM. H. TAFT, *Secretary of War.*

This order will be duly published and enforced.

J. G. WALKER,
Chairman Isthmian Canal Commission.

Circular No. 5,
Isthmian Canal Commission.

WASHINGTON, D. C., *December 30, 1904.*

The following order of the Secretary of War is published for the information and guidance of all concerned:

PANAMA, *December 6, 1904.*

Executive order of December 6, 1904, explanatory of executive order of December 3, 1904.

SECTION 1. Consignments of goods, wares, and merchandise which by virtue of section 1 of the above-mentioned order of December 3, 1904, can not be entered for importation at the ports of Ancon or Cristobal may, nevertheless, at the option of the consignor, if accompanied by the proper consular invoices of the consul of the Republic of Panama at the port of consignment, be landed at Ancon or Cristobal, respectively, in transit to any part of the Canal Zone or the Republic upon payment of the proper duties to the Republic of Panama, under suitable arrangements similar to those provided for by section 2 of said order of December 3, 1904.

But such goods, wares, and merchandise not accompanied by consular invoice of the consul of the Republic shall not be permitted to land at Ancon or Cristobal.

SEC. 2. The order of December 3, 1904, shall be construed to permit free exportation and consignment of goods, wares, and merchandise and free transit of persons and vehicles from the Republic through the Canal Zone and from the terminal ports thereof.

By direction of the President.

WM. H. TAFT,
Secretary of War.

This order will be duly published and enforced.

J. G. WALKER,
Chairman Isthmian Canal Commission.

Circular No. 6,
Isthmian Canal Commission.

WASHINGTON, D. C., *December 30, 1904.*

The following order of the Secretary of War is published for the information and guidance of all concerned:

WAR DEPARTMENT,
Washington, December 16, 1904.

To the Chairman of the Isthmian Canal Commission:

By direction of the President, the order of June 24, 1904, relating to the establishment and administration of the customs service in the Canal Zone of the Isthmus of Panama, is hereby revoked.

WM. H. TAFT,
Secretary of War.

This order will be duly published and enforced.

J. G. WALKER,
Chairman Isthmian Canal Commission.

Circular No. 7.
Isthmian Canal Commission.

WASHINGTON, D. C., *December 30, 1904.*

The following order of the Secretary of War is published for the information and guidance of all concerned:

WAR DEPARTMENT, *December 28, 1904.*

SIR: By direction of the President, it is ordered that there shall be substituted for the order of June 24, 1904, relating to the establishment and administration of the customs service in the Canal Zone of the Isthmus of Panama, which was revoked by the order of December 16, 1904, the following:

SECTION 1. For the purpose of customs administration in the Canal Zone there is hereby established a customs district, which comprises all the lands and waters within the control and jurisdiction of the United States on the Isthmus of Panama and the maritime waters contiguous to the shores of the said Canal Zone extending to the distance of 3 marine miles from mean low-water mark, but not including any maritime waters that pertain to the harbors of the cities of Panama and Colon in the Republic of Panama, the harbors of which are sufficiently defined under the provisional agreement of delimitation signed by the proper representatives of the Governments of Panama and of the Canal Zone on the 15th day of June, as modified by the consent of the parties in accordance with the description contained in section 5 of the executive order of December 3, 1904.

SEC. 2. There shall be two ports of entry in the Canal Zone, to wit: Ancon, at the Pacific terminus of the canal, and Cristobal, at the Atlantic terminus, at which goods, wares, and merchandise may be imported or exported and vessels may be entered or cleared in accordance with the Executive Orders of December 3, 1904, and December 6, 1904.

SEC. 3. The subdivision of the executive branch of the Government of the Canal Zone, known as the department of revenues, shall include the administration of the customs laws and tariff regulations in force in the said zone. The collector of revenues, who by act of the Isthmian Canal Commission is ex officio the collector of customs, shall receive the salary which may be allowed by law, and shall perform the duties of collector of customs as required by the laws now in force in the Canal Zone or that may hereafter be enacted.

SEC. 4. The deputy collectors and inspectors of customs, the health officers, and port captains at the ports of Ancon and Cristobal shall receive such compensation as may be allowed by law, and will perform their duties at said ports as required by the laws and regulations in force in the zone.

SEC. 5. The order of December 16, 1904, revoking the order of June 24, 1904, together with this order, shall be proclaimed in the Canal Zone, Isthmus of Panama, and shall be in force from the date of the promulgation.

Very respectfully,

WM. H. TAFT,
Secretary of War.

The CHAIRMAN OF THE ISTHMIAN CANAL COMMISSION,
Washington, D. C.

This order will be duly published and enforced.

J. G. WALKER,
Chairman Isthmian Canal Commission.

[Inclosure 3.]

Circular No. 8.
Isthmian Canal Commission.

OFFICE OF THE ISTHMIAN CANAL COMMISSION,
Washington, D. C., January 10, 1905.

The following order of the Secretary of War is published for the information and guidance of all concerned:

WAR DEPARTMENT,
Washington, D. C., January 7, 1905.

EXECUTIVE ORDER.

By direction of the President, it is hereby ordered that—

1. To entitle goods, wares, and merchandise to entry at Ancon and Cristobal, the terminal ports of the Isthmian Canal, Canal Zone, Isthmus of Panama, it is necessary that it be established by the certificate of a member of the Isthmian Canal Commission, or of the chief engineer of the Isthmian Canal Commission,

or of the chief of the department of material and supplies, that said goods, wares, and merchandise are necessary and convenient for the construction of the Isthmian Canal, or for the use and consumption of certain officers and employees in the service of the United States and of the Government of the Canal Zone and their families stationed on the Isthmus of Panama, and are to be devoted to that purpose exclusively.

2. The certificates above required shall be granted only when the goods, wares, and merchandise to be certified are (1) the property, including live stock and forage, of or under contract of purchase by the United States and intended for use in the work of constructing the canal or the sanitation of the Isthmus, or for the service of the Government of the Canal Zone; (2) the property, including live stock and forage, of or under contract of purchase by a contractor with the United States or the Government of the Canal Zone for work on the construction of the Isthmian Canal, the sanitation of the Isthmus of Panama, provided that any goods, wares, or merchandise that are to be offered for sale by any contractor to his employees or otherwise shall not be entitled to such entry; (3) the property of the Government of the Canal Zone or of any municipality of said zone; (4) property and provisions intended for sale in commissaries established and operated by the Isthmian Canal Commission to officers, employees, and contractors of the Isthmian Canal Commission, of the Panama Railroad Co., or of any contractor with the Isthmian Canal Commission for work on the Isthmus (together with the families of such persons), who are citizens of the United States or who received compensation on what is known as the gold pay roll of the commission, of the railroad company, or such contractor; (5) household furniture of such officers and employees of the Isthmian Canal Commission stationed in the Canal Zone, or Republic of Panama, including such articles, effects, and furnishings as pictures, books, musical instruments, chinaware, bed and table linen, and kitchen utensils; also wearing apparel, toilet objects, and articles for personal use; books, portable tools, and instruments; jewelry and table services, in quantities and of the class suitable to the rank and position of such officers and employees and intended for their own use and benefit and not for barter or sale, imported from the United States.

3. This order contemplates the exclusion from benefits of the commissaries established and maintained by the commission of all employees and workmen who are natives of tropical countries wherein prevail climatic conditions similar to those prevailing on the Isthmus of Panama, and who therefore may be presumed to be able to secure the articles of food, clothing, household goods and furnishings, of the kind and character to which they are accustomed, from the merchants of Panama, Colon, and the towns of the Canal Zone, and whose ordinary needs may be supplied without recourse to the Government commissaries. Should it develop hereafter that said merchants charge prices in excess of legitimate profit, or practice other extortion, the United States, for the protection and assistance of all is employees, whether from the Tropical or Temperate Zone, will supply its commissaries with such staple articles as are required and desired by the inhabitants of tropical countries, and permit all its employees and workmen and those of its contractors to avail themselves of the benefits and privileges afforded by said Government commissaries.

This order is to take effect on the 7th day of January, 1905.

Wm. H. Taft, *Secretary of War.*

The Chairman of the Isthmian Canal Commission,
Washington, D. C.

This order will be duly published and enforced.

J. G. Walker,
Chairman Isthmian Canal Commission.

[Inclosure 4.]

Circular No. 45.

The Isthmian Canal Commission,
Washington, D. C., January 9, 1911.

The following order of the Secretary of War is published for the information of all concerned:

War Department,
Washington, January 5, 1911.

ORDERS.

1. By direction of the President, it is ordered that the first proviso of section 1 of the order issued by the Secretary of War, by direction of the President, on

December 3, 1904, which was promulgated in Circular No. 4, Isthmian Canal Commission, December 30, 1904, be amended to read as follows:

"*Provided, however*, That this order shall cease to be operative—

"First. If the Republic of Panama should at any time increase the rate of duty on imported articles described in class 2 of the act of the National Convention of Panama passed July 5, 1904, and effective October 12, 1904, above 15 per cent ad valorem, provided for in said act; or if the said Republic should increase at any time the rates of duty on the imported articles described in the other schedules of said act, except on all forms of imported wines, liquors, alcohols, and opium, upon which the Republic may fix higher rates.

"Second. If article 38 of the constitution of the Republic of Panama, as modified by article 146 thereof, is repealed or modified at any time in so far the importation and sale of all kinds of merchandise are concerned.

"Third. If the consular fees and charges of the Republic of Panama, in respect to the entry of all vessels and importations into the said ports of Colon and Panama, are increased beyond the rates now in force, which rates are understood to be 60 per cent of the rates in force prior to the promulgation of said order of December 3, 1904; or,

"Fourth. If goods imported into the ports of Colon and Panama consigned to or designated for any port in the Canal Zone are at any time subjected in the Republic of Panama to any other direct or indirect impost or tax whatever."

2. Paragraph 3 of the order issued by the Secretary of War, by direction of the President, on January 7, 1905, which contemplates the exclusion from the benefits of the commissaries established and maintained by the Canal Commission of all employees and workmen who are natives of tropical countries is hereby revoked.

J. M. Dickinson,
Secretary of War.
F. C. Boggs,
Captain, Corps of Engineers, U. S. Army, Chief of Office.

File No. 815.51/301.

The American Chargé d'Affaires to the Secretary of State.

No. 232.]

American Legation,
Tegucigalpa, August 30, 1911.

Sir: I have the honor to report that, by an executive order dated August 29, 1911, Mr. Zemurray is empowered to negotiate in the United States, for the Government of Honduras, a loan of $500,000 in gold, the proceeds thereof to be used to defray the expenses of the recent war, which the Provisional Government considers itself bound to liquidate in accordance with the bases of peace signed at the Conference in Puerto Cortes in May last.

Mr. Zemurray left Tegucigalpa immediately thereafter, for Puerto Cortes and Ceiba. Thence he intends to go direct to Washington to acquaint the Department with the terms of the matter.

I have [etc.]

J. Butler Wright.

File No. 815.51/326.

The American Minister to the Secretary of State.

No. 85.]

American Legation,
Tegucigalpa, February 4, 1912.

Sir: I have the honor herewith to enclose the terms of the contract which this Government proposes to make with the Whitney Central National Bank of New Orleans for a loan of $500,000 American gold, cut from *La Gaceta* of the 15th ultimo (Series 391, No. 3905), published yesterday. This clipping is accompanied by a translation.[1]

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[1] Not printed.

In this connection it may be of interest to know that Mr. Samuel Zemurray (Mr. Wright's Nos. 229 and 232, of August 14th[1] and 30th last, respectively) returned from the United States about two weeks ago and has called at the Legation. He stated to me that he negotiated the above-mentioned loan; that he was negotiating a second loan of from six to ten millions gold to take the place of the Morgan loan; that this loan was to be protected by a convention which would replace the Knox-Paredes Convention; that he had a copy of this new convention with him and that if I had not already received a copy of it I could shortly expect to receive it with instructions from the Department. Mr. Zemurray said, as I recall, that this loan was underwritten by Mr. Sheldon, President of the Bethlehem Steel Company, that Mr. Sheldon had been in communication with the Department and had arranged with it the terms of the convention that was to protect the loan and that he (Mr. Zemurray) had therefore found it unnecessary to go to Washington. I understood from his conversation that he had obtained from Mr. Sheldon the copy of the convention which he claims to have. He described to me certain provisions of this convention which, he said, removed certain features of the Knox-Paredes Convention that he considered objectionable to the Government and people of Honduras and added that Mr. Lamar C. Quintero was on his way to Tegucigalpa in connection with the matter.

In the absence of instructions in so important a matter I can not give credence to Mr. Zemurray's statements concerning this large loan. It seems evident that he would like to make this loan for Honduras and he appears to have felt the pulse of the Administration and people and in the loan and convention as described to me to have conceived a proposition which he believes more acceptable to them than the pending ones.

I have [etc.] CHARLES D. WHITE.

File No. 815.51/324.

The Secretary of State to the Chairman of the Senate Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, February 6, 1912.

SIR: Referring to my letter to you of February 13, 1911, wherewith I transmitted to your honorable committee at the direction of the President copies of the draft agreements negotiated by the representative of the Republic of Honduras with Messrs. J. P. Morgan and Company, Kuhn, Loeb and Company, the National City Bank, and the First National Bank of New York for a loan of $10,000,000, I now have the honor to inform you that as the time specified for fulfilling certain of the covenants in that agreement has expired the bankers above mentioned have notified the Department, through their attorney, Mr. F. B. Jennings, that the agreement has lapsed and that they have withdrawn their proposal to make a loan to the Government of Honduras at this time.

It is now hoped that other American financial institutions will be persuaded to undertake the task of rehabilitating the finances of Honduras, but I fear that unless prompt action on the convention be had it will be very difficult to induce American enterprise to enter into the field, and I therefore hope that you may find it convenient to have the convention, which has already been favorably reported by your committee, promptly brought up and considered in the Senate.

I have [etc.]

P. C. KNOX.

File No. 815.51/327.

The American Minister to the Secretary of State.

No. 105.]

AMERICAN LEGATION,
Tegucigalpa, February 27, 1912.

SIR: I have the honor to report that the loan of $500,000.00 negotiated by Mr. Samuel Zemurray on behalf of this Government with the Whitney Central National Bank of New Orleans (my No. 85, of the 4th instant and previous correspondence) was approved yesterday with the alterations recommended by the Committee on Finance and Public Credit in its report on this contract which goes to the Department as clipping No. 57 cut from *El Nuevo Tiempo*, No. 270, of to-day's date.[1]

The changes in the contract are significant. The more important affect Articles IV and VI, altering the powers of the agent to be appointed by the bank to administer the customs at Puerto Cortes in case of failure on the part of this Government to make the payments to the bank and eliminating the restraints put on this Government in the matter of tariff legislation.

I have [etc.]

CHARLES D. WHITE.

File No. 815.51/326.

The Acting Secretary of State to the American Minister.

No. 55.]

DEPARTMENT OF STATE,
Washington, March 6, 1912.

SIR: The Department acknowledges the receipt of your despatch No. 85 of the 4th ultimo in which you enclose a clipping from La Gaceta giving the terms of a proposed contract between the Government of Honduras and the Whitney Central National Bank of New Orleans for a loan of $500,000, and report on the information given you by Mr. Samuel Zemurray.

The correct title of the bank in New Orleans is now the Whitney Central Trust and Savings Bank of New Orleans. With this bank in their negotiations with Honduras are associated Messrs. William C. Sheldon and Company of New York. The Department was not informed until January 29th of the intention of these bankers to negotiate with Honduras a loan contract to replace the agreement entered into with Messrs. Morgan and Company, which has lapsed and from which Morgan and Company have withdrawn, according to an announcement made through their attorney, Mr. Jennings, to the Department on the 3rd ultimo. On February 3 a letter of introduction to you was sent by the Department to Mr. Lamar C. Quintero, who has gone to Honduras to represent the bankers in conjunction with Mr. Samuel Zemurray, which letter authorized you to tender Mr. Quintero such unofficial and informal assistance as you properly might.

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[1] Not printed.

The Department supposes that Mr. Quintero has communicated fully to the Legation the bases of the arrangement which the abovementioned bankers propose to negotiate with the Government of Honduras, especially as the Department has seen recent press reports to the effect that the Honduran Assembly has approved the contract, copy of which was transmitted in your despatch No. 85, for a preliminary loan of $500,000.

A copy of a letter from Mr. George R. Sheldon, summarizing the plan of the bankers for a preliminary loan to be followed by one for $10,000,000, is enclosed for your confidential information.[1]

The Department shares the hope expressed by Mr. Sheldon that the Loan Convention will now be approved both by the Senate of the United States and the Assembly of Honduras, and you will devote all your efforts, in so far as is proper, to obtain the ratification thereof by the latter. Should Honduras formally approve the Loan Convention, the effect here would undoubtedly be very favorable.

I am [etc.]

HUNTINGTON WILSON.

File No. 815.51/328 a.

The Acting Secretary of State to the Chairman of the Senate Committee on Foreign Relations.

DEPARTMENT OF STATE,
Washington, March 18, 1912.

SIR: Referring to the Department's letter to you of the 6th ultimo relative to the United States-Honduras Convention now awaiting consideration by the Senate, I have the honor to inform you that negotiations with the Government of Honduras for a Government loan have now been commenced by the Whitney Central Trust and Savings Bank of New Orleans, with which the firm of Messrs. Wm. C. Sheldon and Company, Bankers, of 62 Cedar Street, New York, is associated.

The proposed loan is to be based upon the following terms:

1. The total authorized issue is not to exceed $10,000,000 of bonds, payable in forty years, with interest at the rate of five per cent. per annum, payable semi-annually, and with a sinking fund after five years of one per cent. per annum sufficient to redeem the bonds before maturity;

2. Of these bonds not exceeding $6,000,000 are to be issued at once, and the bonds or their proceeds are to be used for the purpose of retiring (a) the outstanding funded debt of the Republic, amounting with interest at the present time to £23,933,156; and (b) a temporary loan of $500,000, made to meet the immediate pressing needs of the Republic, which was approved by the Congress of Honduras on February 26th last;

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[1] Not printed.

3. The bonds are to be secured by the customs duties and revenues of the Republic from exports and imports, from which an amount sufficient to meet the monthly instalments of the interest and sinking fund is to be paid over monthly to the fiscal agent of the loan by the Collector to be appointed pursuant to the provisions of the Convention between Honduras and the United States of America, now pending before the Senate for ratification.

The contract does not deal with questions of disputed claims or with the internal debt, and matters of railroad, wharf or other concessions are not touched upon. Since those features of the previous contract, which gave rise to a certain amount of doubt and discussion, are thus eliminated, and since the amount required for the service of the loan is reduced from $450,000 per annum to $300,000—a sum which would seem to be well within the resources of Honduras—it is believed that the contract will meet with favorable consideration by the Government of Honduras to whom it has already been submitted.

It is therefore sincerely hoped that the Convention may again be favorably reported out by your Committee and brought to the earnest attention of the Senate.

I have [etc.]

HUNTINGTON WILSON.

File No. 815.51/333.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tegucigalpa, April 13, 1912.

I am authorized by the President of Honduras to state that he will not again submit to Congress the loan convention now pending in the United States Senate, even if ratified by that body, considering the rejection by the Congress of Honduras as final. He is however disposed to make a loan convention, since a large loan is necessary but cannot be made except under such a guaranty.

WHITE.

File No. 815.51/335.

Memorandum of the Division of Latin-American Affairs of the Department of State on the status of the loan negotiations.

DEPARTMENT OF STATE,
DIVISION OF LATIN-AMERICAN AFFAIRS,
April 16, 1912.

The relation which recent and current political developments in Honduras bear toward the pending loan negotiation appears to be as follows:

President Manuel Bonilla, at the time of his election, carefully assured the public through the semi-official Government organ of the Bertrand administration that he was in no way connected with or pledged to any foreign powers, capitalists or interests. This served to allay the prevalent suspicion that his last revolutionary expedition was supported by the United States. He was elected and this "plank is his platform" was skilfully used to increase his popularity.

During the interim between election and inauguration, while Bonilla practically controlled the Government although not yet in office, the Foreign Office seemed inclined to receive information regarding the loan. Meanwhile political refugees centered in Salvador and began a systematic arraignment of Bonilla in the press of Salvador and elsewhere, accusing him of partiality to the loan, etc. and fomenting several revolutionary attacks from Salvadoran territory. While easily repulsed, this military activity served to coalesce the opposition and to enhance in the eyes of General M. B. Rosales (present Minister of Fomento) the importance of holding himself ready to embrace any presidential opportunity that might present itself.

Almost immediately after his election Bonilla began to turn from his former adherents and to show a vacillating policy quite foreign to his attitude during his previous administration, and his popularity evidently began to wane. In addition his health is far from good (compare Mr. White's recent despatches) and at one time he was so near death that only the persistent efforts of a German-American physician pulled him through. This physician, Doctor G. A. Walther, has just left Honduras for the United States (see Mr. White's telegram and despatches) and the effect of his absence upon Bonilla will undoubtedly be great, for there is no other physician there who understands his condition.

Samuel Zemurray who had successfully completed the preliminary negotiations for the $500,000 loan and who enjoyed the confidence of the people and the marked friendship of Bonilla, expressed himself, in interviews at the Legation in July, 1911, and February, 1912, as being confident of negótiating a larger loan provided certain features of the Morgan instrument be eliminated. Recent reports from various sources appear to establish the fact that Zemurray, who apparently weakened his standing by a simultaneous request for a large concession of too great scope, which has recently been disapproved by the Government, left Honduras dissatisfied with the failure of his loan negotiations.

The opposition, with whom Juan Angel Arias is in direct communication, is aware of all these facts, and is awaiting any indication of weakness on the part of Bonilla or his death, at which time Honduras will undoubtedly become the field of a personal struggle among them. Arias states, according to advices received by counsel for Mr. W. S. Valentine, that he will willingly lead this opposition in a peaceful campaign and has expressed himself in favor of immediate settlement of the Honduran foreign debt.

In this present state of affairs it would appear to be almost political suicide for Bonilla to favor a loan convention that had already been rejected by the Congress of Honduras. It does not follow, however, that the country is not ready and willing to consider the reorganization of its finances. The recent telegram from Mr. White (817.51/424) seems to confirm this and the preamble of the recent report of the financial committee of the national Congress would appear to indicate a trend in this direction. I quote two paragraphs thereof.

> It is likewise easy to understand that if, by means of a financial arrangement with a responsible banking institution, upon conditions similar to those accepted by countries having a well established credit, this country proves its claim to a confidence secured by its pecuniary resources and its honor, the way lies open to it for strengthening its good name by the faithful fulfillment of its promises, and this will have the further result of unlocking to it the doors of the financial world where it will find easy and advantageous means wherewith to work out a solution of the problems which upon various occasions have placed it in a most embarrassing situation.
>
> Finally, we are of the opinion that the conditions of the country make a foreign loan necessary and that we ought to hope that those in charge of our national properties will know how to respond to the confidence reposed in them.

While it is possible that the pending convention, if ratified by our Senate, might be reconsidered by the National Congress of Honduras at its next session (January to April, 1913), provided a willing administration adroitly handled it, I am of the opinion that the failure of the Senate to ratify the present instrument would in no wise defeat the desired ends. In fact the presentation to Honduras of a new convention, differing in however small detail from the present one and supporting a contract as favorable as the present one appears to be, would entirely remove the chief and almost insurmountable objection that now exists in Honduras, i. e., the reconsideration of a convention that has once been emphatically disapproved. The manner of its rejection and the unfortunate circumstances attending its presentation to Congress are neither remembered nor considered in the present temper of the Honduran Government. (Mr. White's telegram and the committee report, above referred to, would appear to sustain this view.)

I strongly believe, however, that a representative of the bankers who shall have no conflicting interests in Honduras and who may work in close harmony and understanding with the Legation at Tegucigalpa would succeed in his negotiations for a satisfactory loan contract far better than has Mr. Zemurray.

J. B. WRIGHT.

File No. 815.51/334.

The Minister of Honduras to the Secretary of State.

[Translation.]

LEGATION OF HONDURAS,
Washington, April 16, 1912.

MR. SECRETARY: It has come to the knowledge of the Government of Honduras that the Convention signed in this capital on the tenth day of January of the year one thousand nine hundred and eleven by his excellency the Secretary of State, Mr. Philander C. Knox, as Plenipotentiary of the Government of the United States, and Don Juan E. Paredes, as Plenipotentiary of the Government of Honduras, is pending in the Senate of this Republic for its ratification. In this connection I have received instructions from the Department of State of the Government of Honduras to apprize your excellency that the said Convention having been submitted to the National Congress for its ratification, by the Government over which General

Don Miguel R. Dávila presided, was disapproved by Decree No. 20, issued on the thirty-first day of the month and year above stated, which I have the honor to transcribe to your excellency:

> Decree No. 20. The National Congress, having before it the Convention signed in the city of Washington on the tenth of this month, by Señor Don Juan E. Paredes, as Plenipotentiary of Honduras and Mr. Philander C. Knox as Plenipotentiary of the United States of America, and in the exercise of the powers conferred upon it by Article 90, number 22, of the Political Constitution of the State—Decrees: Sole Article. The Convention under consideration is disapproved. Given in Tegucigalpa, in the Hall of Sessions, the thirty-first day of the month of January, one thousand nine hundred and eleven. Francisco Escobar, President; Leandro Valladares, Secretary; Ramón Fiallos, Secretary.

I avail [etc.]

F. Dávila.

File No. 815.51/336.

The American Minister to the Secretary of State.

No. 118.]

American Legation,
Tegucigalpa, April 18, 1912.

Sir: Supplementing my cablegraphic reply of the 13th instant, I have the honor to report that in compliance with instruction No. 55 of the 6th ultimo I have discussed the question of the loan convention pending in the Senate with both the Minister for Foreign Affairs and the President. As will have been observed from references made to this matter in previous despatches, it has been so constantly and persistently evaded by both the Foreign Office and the Executive as to make it evident that its discussion was not desired. In conversation with the President previous to the arrival of the Secretary of State at Amapala, he refused to commit himself in the matter, stating that the convention had been rejected here and withdrawn, according to report, from the Senate of the United States, and pleading the need of time to study the whole question of a loan and convention. Upon receipt of the cablegram above mentioned I had a further interview with the President, who has been confined to his bed since the 9th instant, and, by insisting upon a statement from him, secured his authorization of my reply above mentioned to said cablegram. The present Minister for Foreign Affairs has from his assumption of office as elsewhere reported, professed great friendship for the United States and has repeatedly stated to me that this country needs their assistance. He has talked more frankly and has seemed to see the needs of his country more clearly than any one else with whom I have discussed the matter. But he, too, has shown a certain disposition to avoid the question of a loan convention and to look for expedients to cure ills of the moment rather than an arrangement that will terminate the general situation.

This reluctance to take up again the loan convention need not be considered as due to any hostile disposition toward the United States. When it is recalled what feeling was displayed at the time of its rejection by the Honduran Congress and how the four deputies that voted for it were insulted and threatened with personal violence in the streets at the close of that session it will be understood that fear of public opinion may be, and probably is, the occasion of this attitude.

Both the President and the Minister for Foreign Affairs have always admitted the need of a settlement of the foreign debt and have both admitted to me that a loan for this purpose is necessary and cannot be made except under cover of a convention. I am tempted to hope, while careful not to permit myself to be too sanguine, that with patience and tact they can be convinced of the disinterested good faith of the United States and lead to make an arrangement advantageous to themselves and acceptable to us.

I have [etc.]

Charles D. White.

File No. 815.51/337.

Wm. C. Sheldon and Company, Bankers, to the Secretary of State.

New York, *May 15, 1912.*

My dear Mr. Secretary: It gives me great pleasure to introduce herewith Mr. Sol Wexler, Vice President of the Whitney-Central National Bank of New Orleans, who is associated with us in the loan to Honduras. The Whitney-Central National Bank is proposing to advance to Honduras $500,000, and Mr. Wexler is anxious to submit the papers to you.

Thanking you for any courtesies you may extend to Mr. Wexler, I am [etc.]

George R. Sheldon.

Note.—Mr. Wexler called at the Department on May 17 and spoke with Mr. Doyle and Mr. Wright.

File No. 815.51/338.

The Vice President of the Whitney-Central National Bank of New Orleans to the Solicitor for the Department of State.

[Telegram.]

New Orleans, *June 8, 1912.*

Referring to our conversation on the subject of the $500,000 temporary loan to Honduras—in which you suggested that any differences pertaining to the loan agreement should be arbitrated by one selected by the Bank and one by the Republic, with the Secretary of State as umpire—President Bonilla cables as follows:

> We would accept as supreme arbitrator the President of the Supreme Court of Justice of the United States of America.

Please wire me if, after consultation with Mr. Knox and others, in your opinion this would have the same effect as if arbitrator were the Secretary of State, and if it will furnish us all of the safeguards which you stated would be furnished under this plan. Please answer by wire at our expense.

Sol Wexler.

File No. 815.51/339.

Memorandum of Mr. Pierrepont of the Division of Latin-American Affairs of the Department of State concerning an interview with the Agent of Honduras.

DEPARTMENT OF STATE,
DIVISION OF LATIN-AMERICAN AFFAIRS,
June 11, 1912.

Mr. Samuel Zemurray, who spends most of his time in Honduras, called at the Division today and talked with Mr. Doyle and myself, and later with Mr. Clark. What he wished to find out was the Department's answer to the inquiry made in Mr. Wexler's telegram to Mr. Clark,[1] in which it was suggested that the Chief Justice should be named as the umpire in the arbitration clause of the contract with Honduras regarding the $500,000 loan, and also to discuss the same proposition with regard to the larger loan which the Whitney Bank and others proposed to make to Honduras.

Mr. Clark explained to Mr. Zemurray that Mr. Wexler had misunderstood him in claiming that he suggested that the Secretary of State himself should be the umpire, Mr. Clark having actually said his personal idea would be to have the umpire named by the Secretary of State. Mr. Zemurray continued to discuss the plan of having the Chief Justice act as umpire, and in this connection Mr. Clark suggested unofficially that the best way would be to have some of his New Orleans friends ascertain personally from the Chief Justice whether he would be willing to act in such a capacity, and if he should answer in the affirmative, to have the President of Honduras make a formal request of him through the Department of State. Mr. Zemurray thought this would be the best way. Mr. Clark added, however, that he thought the arrangement of having the umpire named by the Secretary of State would perhaps be slightly preferable as it would lend more political significance to the arbitration clause in the loan contract.

Mr. Zemurray then sought to find out whether the Department thought that such an arbitration clause in the contract for the large loan, which would have to be approved by the Honduran Congress, would have nearly the same weight as the convention. In reply to this Mr. Clark called Mr. Zemurray's attention to the Hague Convention respecting the limitation of the employment of force for the recovery of contract debts, which provides, in Article I, that the undertaking not to use force is not applicable "when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any compromise from being agreed on, or, after the arbitration, fails to submit to the award", the inference being clear that this Government would have the right, should any of those exceptions arise, to use force in behalf of the Americans making the loan.

Mr. Clark also said unofficially that the action this Government would take would depend entirely upon the policy of the Administration, and that in his opinion this Hague Convention would give the Government just about as good a right to use force as the original loan convention. Mr. Zemurray seemed very pleased upon learning of this Hague Convention, and seemed to think that it afforded a satisfactory guaranty.

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[1] See ante, telegram of June 8.

Mr. Zemurray told me, regarding the $500,000 loan, that the Whitney Bank put up $100,000; that he himself put up $100,000; Mr. Bradley Palmer $100,000; Mr. Wexler and some other man $50,000 each; and the other $100,000, I think, by some parties in Chicago. He said that so far as he knew Sheldon did not put up any of the money for this preliminary loan, unless he had a share of that put up by the Whitney Bank.

Mr. Clark made a point of the fact that he was speaking informally and unofficially: that what he said was in no way binding upon the Department; and that it could not be regarded as the views of the Department. Mr. Zemurray said he understood this.

File No. 815.51/340.

The Vice President of the Whitney-Central National Bank of New Orleans to the Solicitor for the Department of State.

New Orleans, *June 11, 1912.*

Dear Sir: I telegraphed you on Saturday last, as follows: [see ante, telegram of June 8] which I now confirm, and to which I am still without reply.

I have therefore wired to Mr. Zemurray to call on you with a view of ascertaining if the Department of State would assume the same attitude toward the $500,000 of bonds of the Republic of Honduras as it would have assumed if the Secretary of State had been made the ultimate umpire in any controversy which might arise?

It appears to me as if the selection of the Chief Justice of the United States rather adds strength than otherwise; and I would particularly like to know now what kind of a letter we might expect from the Department with the Chief Justice as umpire, so I may be able to close the matter up by cable with Honduras and proceed to have the bonds engraved.

Hoping to be favored with an early reply, I am [etc.]

S. Wexler.

File No. 815.51/341.

The American Chargé d'Affaires to the Secretary of State.

American Legation,
Tegucigalpa, June 13, 1912.

Sir: I have the honor to enclose herewith, as of possible interest in the matter of the financial condition of this country and the various loan proposals which have been been made in the past, a copy[1] of *El Nuevo Tiempo*, of Saturday the 8th of June last, No. 356, in which appeared two diplomatic notes, the one from the Minister of Foreign Affairs of Salvador addressed to the Minister of Foreign

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[1] Not printed.

Affairs of this country and the other from the Minister of Foreign Affairs of Honduras in reply to the former in regard to the matter of the financial condition of Honduras.

In his letter to Dr. Vásquez the Minister of Foreign Affairs of Salvador states that his Government, actuated by the highest motives of friendship and fraternity and appreciating the present financial crisis which faces the Government of Honduras, is desirous to be of assistance to that Government with a view of ameliorating this condition and offers its financial assistance.

In reply to the note from the Salvadoran Government the Minister of Foreign Affairs of Honduras, expressing the appreciation of his Government of the generosity of this offer on the part of Salvador, states that his Government is in the midst of a very difficult interior economic situation which it is laboring to overcome and states that his Government is resolved to improve the internal conditions and to eventually take up seriously the matter of the foreign debt, considering many proposals which have been and are being made to it with this in view. He refers to the loan proposal which the Government of General Dávila contracted in the United States and which he states that the present Government found too burdensome, and that his Government would keep in view the friendly proposal of Salvador for the time when it will be prepared to definitely consider the matter of the foreign loan.

I have been informed from sources which I consider reasonably reliable that the Salvadoran proposal, although emanating from Salvador, is made in cooperation with financial interests of the Argentine Republic, but this I cannot confirm. Recently, in a conversation with the Salvadoran Minister near this Government, I was informed that the Minister was under instructions from his Government to discuss the matter of a loan with the Honduran Government and that the Salvadoran Government was very anxious that the matter of the financial situations in Honduras and Nicaragua should be settled, if possible, through the assistance of Salvador because it was believed it would be better for the Governments of Central America to be the first to assist each other in time of difficulty, such as the present, rather than that these Governments be compelled to accept assistance from Governments beyond Central America.

An identic note to that which was addressed by Salvador to the Minister of Foreign Affairs of Honduras has been presented to the Government of Nicaragua.

I have [etc.]

Perry Belden.

File No. 815.51/338.

The Secretary of State to the Vice President of the Whitney Central Trust and Savings Bank of New Orleans.

Department of State,
Washington, June 18, 1912.

Sir: The Department has received your telegram of the 8th instant, and your letter of the 11th of the same month, in regard to the proposed temporary loan of $500,000 to Honduras, and begs to say in reply that it has already taken up the matter to which you referred with Mr. Zemurray, who has doubtless already advised you of the substance of the interview.

I am [etc.]

P. C. KNOX.

EXTRADITION CONVENTION BETWEEN THE UNITED STATES AND HONDURAS.

Treaty signed at Washington, January 15, 1909; ratification advised by the Senate, January 20, 1909; ratified by the President, March 1, 1909; ratified by Honduras, May 20, 1912; ratifications exchanged at Washington, July 10, 1912; proclaimed, July 10, 1912.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Honduras, providing for the mutual extradition of fugitives from justice, was concluded and signed by their respective Plenipotentiaries at Washington on the fifteenth day of January, one thousand nine hundred and nine, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Honduras, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Honduras, and has appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the Republic of Honduras, Doctor Luis Lazo A., Envoy Extraordinary and Minister Plenipotentiary of Honduras to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the Government of the United States and the Government of Honduras shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Persons shall be delivered up according to the provisions of this Convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Bigamy.
5. Arson.
6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.
7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night-time with intent to commit a felony therein.
9. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.
10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.
11. Forgery or the utterance of forged papers.
12. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of the same.
13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local, or municipal governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies, and marks of state or public administrations, and the utterance, circulation, or fraudulent use of the above mentioned objects.
14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Honduran equivalent).

15. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars (or Honduran equivalent).

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Honduran equivalent).

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director, or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Honduran equivalent).

21. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

ARTICLE III.

The provisions of this Convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

ARTICLE IV.

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

Article VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

Article VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

Article VIII.

Under the stipulations of this Convention, neither of the Contracting Parties shall be bound to deliver up its own citizens.

Article IX.

The expense of the arrest, detention, examination, and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

Article X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

Article XI.

The stipulations of this Convention shall be applicable to all territory wherever situated, belonging to either of the Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the Contracting Parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraph other than the United States, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII.

In every case of a request made by either of the two Contracting Parties for the arrest, detention, or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present Convention shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this 15th day of January, one thousand nine hundred and nine.

ELIHU ROOT [SEAL.]
LUIS LAZO A. [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the tenth day of July one thousand nine hundred and twelve;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this tenth day of July in the year of our Lord one thousand nine hundred and twelve, and [SEAL.] of the Independence of the United States of America the one hundred and thirty-seventh.

W. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State

VISIT OF THE SECRETARY OF STATE TO HONDURAS.

File No. 033.1100 K77/7.]

The Minister of Honduras to the Acting Secretary of State.

[Translation.]

LEGATION OF HONDURAS,
Washington, February 15, 1912.

MR. SECRETARY: I have had the honor to receive the obliging note dated the 13th instant[1] by which your excellency is pleased to inform me that the President, impressed with the importance of the relations between the United States and the Republics of Central America, happily so friendly and which will grow closer and more intimate with the approach of the opening of the Panama Canal from which are hoped so many mutual benefits to our countries, has directed the Secretary of State to visit the capitals of the Republics referred to, stopping also at the capitals of Venezuela and Panama, and probably visiting Mexico and Colombia.

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[1] The identic letter printed under Panama: "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

Your excellency is pleased to say that the final decision of the President was reached so shortly before the departure of Mr. Knox for Florida that it was not possible to give me previous private information thereof, and even now you must reserve for a later communication the pleasure of informing me of the precise date of the visit of the Secretary of State to Honduras.

Your excellency adds that before his departure Mr. Knox asked you to assure me of the great pleasure with which he looks forward to visiting my country and personally knowing the members of the Government and signalizing in that way the particular importance attached by the President to those relations of the most cordial amity which it is the aim of the United States to cultivate with Honduras.

In reply I am glad to express to your excellency the satisfaction with which I have received the announcement of the visit of his excellency the Secretary of State to Central America and the other countries named, and, more particularly, to Honduras; and I may assure your excellency that my Government and the people of Honduras will in grateful acknowledgment fittingly respond to this signal honor and evidence of friendship from the Government of the United States.

The personal acquaintance made by the Secretary of State with the Governments in the countries to be visited by him will undoubtedly strengthen the relations that are now happily existing and must grow closer and closer with the opening of the Panama Canal on account of the benefits from that great undertaking to which all America looks forward.

I beg your excellency to be so good as to convey my thanks to Mr. Knox for his courteous communication, to assure him in my behalf of the loyal response he will receive from my Government and to express to him my very sincere wishes for the best success of his visit.

With [etc.]

F. DÁVILA.

File No. 033.1100 K77/2a.]

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 15, 1912.

How long will it probably require for the Secretary to make the trip from Amapala to Tegucigalpa and return?

WILSON.

File No. 033.1100 H77/12.]

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

American Legation,
Tegucigalpa, February 16, 1912.

The round trip will require at least six days. The road is not passable for automobiles, of which indeed there are none here in proper condition; carriages are uncomfortable and in bad condition. Less time would be required by coming horseback, but this would be exhausting.

White.

File No. 033.1100 K77/63.]

Tegucigalpa, *February 27, 1912.*

This Government needs to know at once whether the Secretary will come to Tegucigalpa or only to Amapala, in order to make the plans for his reception.

White.

File No. 033.1100 K77/64.]

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 29, 1912.

The Secretary regrets to find that the limited time and his duty to return home by a fixed date unfortunately prevent his going to Tegucigalpa. He will arrive on the eighth and remain the ninth, and plans to invite Government officials and others to entertainment on board the *Maryland.*

Wilson.

Speech of Señor Don Mariano Vásquez, Minister for Foreign Affairs of Honduras, at a luncheon given to Mr. Knox at Amapala, March 8, 1912.

[Translation.]

Mr. Secretary: The people of Honduras feel a very great satisfaction at your arrival in its national territory.

We, the members of the Government, delegates of the National Congress, and representatives of the judiciary, have come to offer you most cordial reception and to state to you that the visit that you are making to our country gives us pleasure.

We esteem it an honor to our small Republic to have here the illustrious Secretary of State of the great Republic of America.

The American Nation has always attracted the attention of the world by the tremendous progress it has made in advancing civilization. We have learned, from childhood up, to admire it; every triumph which it has won in its phenomenal march has a grateful echo in our little republics and makes us feel proud to be, like it, sons of the New World.

We have learned likewise to pronounce with veneration and affection the names that render illustrious the history of your nation, the model of republican virtues.

Washington, the glory of America, will always be recognized as one of the greatest leaders of the nations; his words are maxims of political morality. He who said "the best and only road that leads surely to honor, glory, and true dignity is justice" is, indubitably, not only the father of the American people but of all humanity. His wise counsel will continue to resound through future ages.

We honor Franklin, the genius that imprisoned the destructive lightning, the apostle who preached the gospel of peace to all nations; Lincoln, the liberator, and all the founders of America; and we admire, too, those who, continuing the great work, are likewise benefactors of humanity.

We honor Elihu Root, who, from the high tribune of Rio de Janeiro in the Third American Conference, declared, to the glory of the great Republic, the universal principle of the equality of the nations, when he said:

> We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire.

We honor Roosevelt, President Taft, and his worthy Secretary of State, Mr. Knox, who, in the midst of their wise and fruitful labors in their own country, began yesterday and will to-morrow terminate so colossal an undertaking as the Panama Canal, which will fill the world with admiration and will open new and broader highways for the civilization and progress of the American Continent.

Accept, sir, from the Government of Honduras expressions of keenest appreciation of the cordiality shown by you in coming to our territory accompanied by your distinguished family and prominent persons of your country, and permit me, on this happy occasion, to extend in the name of the Government of Honduras most sincere wishes for the increasing prosperity of the great Republic and for the personal welfare of President Taft and his illustrious Secretary of State.

Reply of Mr. Knox.

Mr. Minister: In the name of my Government and my fellow citizens I thank you for your cordial hospitality and friendly reception.

It is with sincere regret, Mr. Minister, that I am forced, through circumstances over which neither of us has any control, to forego the pleasure of visiting the capital city of Honduras, which I had hoped to be able to accomplish but which I found to be impossible within the limited time at my disposal. Much as I should have enjoyed the beauties of the journey to the capital over the rugged face of nature, it is nevertheless a great pleasure to meet you here and have the advantage of your personal acquaintance.

The importance of the geographic position of Honduras, which borders on three of the other Republics of Central America, has long been recognized, and experience has shown that most of the unrest that has disturbed Central America, and particularly Honduras, has been due to the fact that Honduras lies conveniently in the track of any armies of other contending Central American states and it has been impossible for Honduras to resist their passage without itself becoming engaged in the quarrel on one side or the other. So much has the Republic of Honduras suffered in this regard and so often has the peace of Central America been easily disturbed, owing to the exposed position of this country, that when the Central American Peace Conference met in Washington in 1907, under the auspices of the United States and Mexico, an article was incorporated in one of the conventions there signed whereby all the other powers concerned pledged themselves to respect the neutrality of Honduras. The importance and wisdom of the provision has been fully demonstrated, and an eloquent testimonial as to its practical value is that since the adoption of these conventions, although other of its provisions may have been disregarded, there has been no international war in Central America.

Probably one of the most important matters to be considered by the Honduran Government is how to make this guaranty, which is all important to the peace of Central America, still more effective and permanent. It is manifest that it is only as strong as the stability of the country and the good will of its neighbors combined, and that the surest means of insuring its continued respect and resultant benefits is to assure the stability of the Government of Honduras itself and thereby to permit the development of its wonderful store of natural resources.

Possessed, as it is, of a fertile soil and healthful climate, as well as of probably the best natural harbor between San Diego, California, and Concepcion, Chile, the development of Honduras would seem to be a matter which it should require but a short time to accomplish. In Honduras, all the elements of great national prosperity are but awaiting development. The great needs of the country, so great in natural wealth, are facilities of transportation, which will at once stimulate foreign and domestic commerce, and an economic administration.

Central American tranquillity and security have from the first been matters of the deepest concern to the United States, and repose in Honduras, which will always be the key to Central American peace, has ever awakened the keenest interest among Americans. When the transcontinental railroad from the Atlantic to the Pacific was first undertaken the sovereignty of Honduras over the railroad was guaranteed by the United States, and my Government has always stood ready to assist in any proper manner the preservation of order and the promotion of peace in this country. The *Marblehead* treaty, the convocation of the Central American Peace Conference in Washington, and the part played by my Government in the Peace Conference at Puerto Cortes in February, 1912, are all eloquent testimonials of our good will toward Honduras.

It is the desire of my Government to perpetuate upon the foundations of closer friendship and acquaintance the good will we have received from the past, to promote our common interests by developing a better mutual understanding, and to frown down any and every attempt to disturb by calumny and baseless suspicion the peaceful and friendly relations between the United States and Honduras.

Speech of Mr. Knox at a luncheon given by him on board the "Maryland" at Amapala, Honduras, March 9, 1912.

Ladies and Gentlemen: I wish, on my own behalf and on behalf of my party, to express our appreciation of the friendliness and hospitality that we have received since we have been here, and this afternoon I want to especially acknowledge our appreciation of that test of good will which is evidenced by the long journey that those among you have made from the capital city to the coast under most trying circumstances. I do not know of a higher test of friendship than the one which you have thus given us. Our reception in Honduras has been especially pleasing. Indeed, I might almost say that nothing could excel the kindliness that has been shown to me and to my party since we reached Central America. There is one thing that I can imagine might excel it, and that is the malice and wickedness with which those who desire to prevent closer relations between the United States and Central America have, through false reports, endeavored to create the impression that the Central American people have not received this mission with kindliness and with sympathy. When I get back to my Government my report shall be that up to the time that we have left Amapala not a single incident has marred the pleasure of our visit, not a single thing in the way of bounteous and generous hospitality has been lacking, and that we shall all feel that this visit has been worth much to us and we hope it has been worth something to you. As I started out to say, I want this afternoon to express my special appreciation to those who have come from Tegucigalpa here to meet us, and I propose their health, their long life, their prosperity, and their happiness.

Reply of Mr. Vásquez, Minister for Foreign Affairs.

[Translation.]

Mr. Secretary: With enthusiasm I have transmitted to the President of the Republic the expressions of cordiality addressed by you to him and to Honduras.

The entire country will receive with satisfaction your friendly words, which reveal the wise policy of the acts of the Government of the United States.

The convention written on board the *Marblehead*, which put an end to a conflict among the States of Central America; the treaty of Washington, which stipulated the neutrality of Honduras and removed the dangers of fresh international disturbances; and the

Puerto Cortes conferences, which extinguished the civil war recently kindled in our country—all through the amicable mediation of your country—prove that you are interested in our welfare, which naturally must emanate from peace, and that on all occasions you have advised us well.

At the very moment that you hear the tumult of our fruitless strife we hear your voice urging us toward concord and peace.

With such antecedents it is impossible for Honduras to welcome any malevolent propaganda which might disturb the relations it cultivates with the United States or the gratitude it owes to your Government.

On the contrary, we are endeavoring to make those relations even more intimate and to attract a useful immigration, which, by establishing business interests, will strengthen them day by day.

Honduras, sir, desires peace, a stable and lasting peace, in order to develop by means of salutary work all the elements of life which it has in abundance. Consequently, in order to attain this desired end, it must not look to those countries for inspirations which, more or less, have always lived under the scourge of war, but it must take its example from your Republic, which is rich, powerful, and great, owing to the peace and order so wisely maintained since the first days of its independence.

I bear special instructions from the President of the Republic to express these sentiments of frank cordiality and of the mutual interest of our countries. And both he and each one of us are deeply sorry that you have been unable to observe our country at closer range. Our land is essentially mineralogical and is likewise capable of growing productive plants of every zone; therein are forests rich in precious woods, rivers flowing over sands of gold. With your sagacious eye you would have seen the land where a people now debilitated by misfortune will soon be transformed, through the efforts of its sons, into a rich and prosperous nation by the fruitful agency of toil, and then you would have been convinced of the sincerity of our desire of peace.

With unfeigned regret we learn the news of your proximate departure. So numerous have been the demonstrations of cordiality with which you have distinguished us, and such the affection you have awakened in each one of us, that in pressing your hand for the last time we shall truly regret the separation.

We wish you, your family, and party a happy voyage, and it is a pleasure for me to assure you that we shall ever remember the happy moments when we had the satisfaction of having on our shore the cultured and distinguished Mrs. Knox and the trained diplomat who guides the destinies of the great Republic.

File No. 033.1100 K77/212.]

The President of Honduras to the President.

Great and Good Friend: The Government of Honduras, gratified with the visit which his excellency the Secretary of State of the United States of America, Mr. Philander C. Knox, made to this

Republic last March, which Honduras considers to evidence the perfect harmony and friendly relations existing between the two countries; and desiring to express to the Government of the United States the grateful appreciation by Honduras of that significant display of cordiality—I have accredited Doctor D. Alberto Membreño as Envoy Extraordinary and Minister Plenipotentiary of Honduras, on Special Mission to the Government over which Your Excellency presides.

The commendable qualities that distinguish Doctor Membreño, and his sympathies for that great Republic, cause me to hope that he will be cordially received by Your Excellency's Government.

With the heartiest wishes for the increasing prosperity of that Republic and for the personal welfare of Your Excellency, I am Your Excellency's

Loyal and good Friend,

MANUEL BONILLA.

NATIONAL PALACE,
Tegucigalpa, June 5, 1912.

File No. 033.1100 K77/212.]

The President to the President of Honduras.

DEPARTMENT OF STATE,
Washington, July 5, 1912.

GREAT AND GOOD FRIEND: I have received from the hands of Señor Doctor Alberto Membreño Your Excellency's letter of the 5th of June last, in which you gave expression to the pleasure which the people of Honduras felt at the recent visit to your capital of Philander C. Knox, Secretary of State of the United States of America.

I cordially reciprocate the sentiments of friendship and good will which you in the name of the people of Honduras conveyed to me, and I assure you that the Government and people of the United States appreciate the friendly spirit shown towards the United States by the kindly and courteous manner in which Mr. Knox's visit was received.

WM. H. TAFT.

ITALY.

TERMINATION OF THE WAR BETWEEN ITALY AND TURKEY.[1] SOVEREIGNTY OF ITALY OVER LIBYA. EXTRATERRITORIAL RIGHTS OF THE UNITED STATES.

File No. 765.67/409.

The Italian Chargé d'Affaires to the Secretary of State.

ITALIAN EMBASSY,
No. 1635.] *Washington, October 18, 1912.*

MR. SECRETARY OF STATE: By order of the King's Government I have the honor to announce to your excellency that the state of war between Italy and Turkey has terminated by the conclusion of a treaty of peace signed at Lausanne on October 18th instant between plenipotentiaries of the two nations.

The Turkish Government having pledged itself by this treaty to immediately withdraw its troops from Tripoli and Cyrenaica, which by the law of February 25, 1912, have been subjected to Italian sovereignty, I have the honor to ask your excellency on behalf of my Government to have the United States recognize the sovereignty of Italy over Tripoli and Cyrenaica.

Please accept [etc.]

G. CATALANI.

File No. 765.67/397.

The Acting Secretary of State to the Ambassador of Italy.

DEPARTMENT OF STATE,
Washington, October 21, 1912.

SIR: I beg to acknowledge and to thank you for your note of October 16th,[2] informing the Department of the signing of preliminaries of peace between Italy and Turkey, and your note of October 18th, announcing, by order of the Italian Government, that the state of war has been terminated by the conclusion of a treaty of peace.

The Government of the United States is much gratified to learn that the difficulties heretofore existing between Italy and Turkey have been concluded by a treaty of peace signed at Lausanne on October 18th, between the plenipotentiaries of the two nations.

Accept [etc.]

ALVEY A. ADEE.

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[1] See For. Rel. 1911, p. 308.

[2] Not printed.

File No. 765.67/410.

The Secretary of State to the American Ambassador.

DEPARTMENT OF STATE,
No. 111.] *Washington, December 5, 1912.*

SIR: The Department has received the despatch (No. 247, of October 30th)[1] in which you report a conversation with the Vice Minister for Foreign Affairs on the subject of the recognition of Italian sovereignty over Libya.

There are enclosed herewith for your information in this connection copies of a note from the Italian Chargé d'Affaires under date of October 18th, requesting this Government to recognize the sovereignty of Italy over Tripoli and Cyrenaica; of the Department's acknowledgement of this note under date of October 21st; and of a memorandum[1] of a conversation on this subject between Mr. Adee and the Italian Chargé d'Affaires on October 19th.

The Department will in the near future instruct you further as to the attitude to be adopted on the question of the relinquishment of its extraterritorial rights in Tripoli and Cyrenaica in consequence of the extension of Italian sovereignty to those regions.

Copies of the present instruction and of its enclosures are being transmitted to the American Embassy at Constantinople and to the Consulate at Tripoli for their information.

I am [etc.]

P. C. KNOX.

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[1] Not printed.

JAPAN.

DEATH OF EMPEROR MUTSUHITO. ACCESSION TO THE THRONE OF EMPEROR YOSHIHITO.

File No. 894.001 M98/9.

The Ambassador of Japan to the Secretary of State.

Imperial Japanese Embassy,
Washington, July 29, 1912.

Sir: I am profoundly grieved to inform you that I have received a cable message from Viscount Uchida, His Majesty's Minister for Foreign Affairs, announcing the demise of His Majesty the Emperor at the Imperial Palace at Tokio at 12:43 Tuesday morning, July 30th.

It is my melancholy duty to request that you will bring this sad intelligence to the knowledge of the President and his Cabinet.

Accept [etc.]

J. Chinda.

File No. 894.001 M98/9.

The President to the Empress Dowager.

The White House,
Washington, July 29, 1912.

[Telegram.]

I beg Your Majesty to accept the condolences and sincerest sympathy of Mrs. Taft and myself in the great loss which you have sustained in the death of your illustrious husband for whom I entertained sentiments of the highest personal esteem and regard.

Wm. H. Taft.

File No. 894.001 M98/9.

The President to the Emperor.

The White House,
Washington, July 29, 1912.

[Telegram.]

On the sad occasion of the death of His Majesty the Emperor Mutsuhito, your illustrious father, I offer to Your Majesty my most profound sympathy and that of the Government and people of the United States.

Accept my good wishes for a long and prosperous reign and the continuance of the welfare of the Japanese Empire.

Wm. H. Taft.

File No. 894.001 M98/9.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, July 29, 1912.

You will make to the Government of Japan appropriate expressions of the sympathy of the President, the Government and the people of the United States in the loss by the Japanese Empire of a ruler whose reign has been so beneficent and distinguished. This will be in addition to the messages which the President has sent to the new Emperor and to the Empress Dowager, and my own cable to Viscount Uchida.

Knox.

File No. 894.001 M98/9.

The Secretary of State to the Japanese Minister for Foreign Affairs.

[Telegram.]

Department of State,
Washington, July 29, 1912.

I offer to your excellency the expression of my personal sympathy and sorrow in the great loss which has been sustained by the Japanese nation in the death of His Majesty the Emperor Mutsuhito.

P. C. Knox.

File No. 894.001 M98/9.

The Secretary of State to the Ambassador of Japan.

Department of State,
Washington, July 30, 1912.

Excellency: I have had the honor to receive with great regret your note of the 30th instant by which you officially communicate to me the sad intelligence of the demise of His Majesty the late Emperor Mutsuhito at 12:45 o'clock in the morning of July 30 (Japanese time).

I did not fail to bring this melancholy news at once to the knowledge of the President who, greatly shocked by the death of this beneficient and distinguished ruler for whom he entertained the highest esteem and regard, has conveyed directly by telegraph to the new Emperor and the Empress Dowager his own sincere condolence and those of the Government and people of the United States under their present affliction.

I have in like manner offered to his excellency Viscount Uchida the expression of my personal sympathy and sorrow in the great loss which has been sustained by the Japanese nation.

Accept [etc.]

P. C. Knox.

File No. 894.001 M98/27A.

The President to the Emperor.

Great and Good Friend: Desiring not only to give evidence of the high personal esteem and regard which I entertained for His late Majesty the Emperor Mutsuhito, your dearly beloved father, but to show as well the friendship borne by the Government and the people of the United States for Your Majesty and the Japanese nation, I have made choice of the Honorable Philander C. Knox, Secretary of State of the United States of America, with the rank of Ambassador Extraordinary, for the special purpose of representing the President and people of the United States at the ceremonies incident upon the funeral of His late Majesty.

My knowledge of his high character and ability gives me entire confidence that he will perform this duty of respect in a manner entirely agreeable to Your Majesty.

I therefore request Your Majesty to receive him favorably and to give full credence to the expression of sympathy of the Government of the United States of America with that of Japan in the ceremonies, which I have charged him to convey to Your Majesty with the assurance of the best wishes of this Government for the welfare of Your Majesty and the prosperity of Japan.

Mr. Knox will be assisted by Brigadier General John J. Pershing, U. S. A., and Rear Admiral Alfred Reynolds, U. S. N., representing the War and Navy Departments of the United States, respectively, and will be attended by Mr. Ransford S. Miller as his Secretary.

Written at Washington this thirteenth day of August, nineteen hundred and twelve.

Your Good Friend,

Wm. H. Taft.

File No. 894.001 M98/26.

The Japanese Minister for Foreign Affairs to the Japanese Ambassador.

[Read and presented by the Ambassador, August 14.]

The appointment of Mr. Knox has been duly confirmed by the United States Ambassador. You are consequently requested to say to the President that I hastened to inform His Imperial Majesty of the President's appointment of Mr. Knox, Secretary of State, as his Special Ambassador to attend the funeral of His late Majesty. His Imperial Majesty was much gratified to learn of this very exceptional manifestation of high esteem and regard in which His late Majesty was held by the President, and His Imperial Majesty commands that you express to the President his cordial appreciation of this mark of respect and sympathy. You will also assure the President that the appointment of the Secretary of State to this special mission has greatly pleased the Government and people of Japan. You will also assure the Secretary of State that I am sincerely gratified to hear of the appointment.

Uchida.

August 12, 1912.

File No. 894.001 M98/37.

The Japanese Minister for Foreign Affairs to the American Ambassador.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
No. 14.] *Tokio, August 17, 1912.*

MR. AMBASSADOR: In reference to the appointment of Mr. Knox, the United States Secretary of State, to be Special Ambassador to attend the funeral of His late Majesty, which your excellency was good enough to communicate to me when you called at this Department on the 12th instant, I have now the honor to inform your excellency that upon my reporting the matter at once to His Majesty my August Sovereign, His Majesty expressed high appreciation of this courtesy and charged me to convey His cordial thanks to your excellency's Government. The appointment of Mr. Knox has also given great pleasure to the Government and the people of Japan; and although the Japanese Ambassador at Washington has already been instructed by telegraph to convey to His Excellency the President of the United States the thanks of the Imperial Family and the Government and the people of Japan, I beg to request that your excellency will be good enough also to transmit a similar expression of thanks to His Excellency the President.

I avail [etc.]

VISCOUNT Y. UCHIDA.

File No. 894.001 Y8.

The Ambassador of Japan to the Acting Secretary of State.

IMPERIAL JAPANESE EMBASSY,
No. 44.] *Washington, October 11, 1912.*

SIR: I have the honor to acquaint you that I have received from my Government, for presentation to the President of the United States, an autograph letter of His Majesty the Emperor of Japan announcing the much lamented demise of His Majesty the late Emperor, and the consequent Accession of my present August Master to the Throne.

As the President is, I understand, actually out of town, I beg to forward to you, under separate sealed cover, the Imperial communication addressed to the President and to enclose herewith a copy of its English translation, in the hope that you may be so good as to cause the said letter to be submitted to its high destination.

Accept [etc.]

S. CHINDA.

[Inclosure.—Translation.]

The Emperor to the President.

GREAT AND GOOD FRIEND: It is with the most profound grief that I announce to You the demise of My Greatly Revered and Beloved Father, His Majesty Emperor Mutsuhito, which took place at the Palace in Tokio, on the thirtieth ultimo in the forty-fifth year of Meiji. I feel convinced that You will participate in the great sorrow which has befallen Me and the Imperial Family and the whole Nation.

In acquainting You, at the same time, with My accession to the Throne, I assure You that it will ever be My earnest desire to foster and to draw still closer the bonds of sincere friendship and good accord which so happily subsist between Our respective Countries.

I avail Myself of this occasion to tender to You, Mr. President, My cordial wishes for Your happiness, as well as the assurances of the profound esteem and invariable affection with which I am,

Your sincere Friend,

YOSHIHITO.

THE PALACE, TOKYO,
This thirtieth day of the eighth month
of the first year of Taisho.

File No. 894.001 Y8.

The Acting Secretary of State to the Ambassador of Japan.

DEPARTMENT OF STATE,
Washington, October 16, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 11th instant, enclosing under separate sealed cover, for presentation to the President of the United States, an autograph letter addressed to him by His Majesty the Emperor of Japan, announcing the lamented demise of His Majesty the late Emperor, and the consequent accession to the Throne of His Majesty the present Emperor.

In reply I have the honor to inform you that the Imperial communication has been laid before the President, whose reply will be delivered through the American Ambassador at Tokyo.

Accept [etc.]

ALVEY A. ADEE.

File No. 894.001 M98/44A.

The Special Ambassador to the President.

[Extract.]

DEPARTMENT OF STATE,
Washington, November 15, 1912.

MR. PRESIDENT: I have the honor to submit to you herewith my report as Special Ambassador to represent the President and people of the United States at the funeral ceremony of His Majesty Mutsuhito, the late Emperor of Japan.

The Special Embassy consisting, in addition to myself, of Mr. Ransford S. Miller, Secretary, and Rear Admiral Alfred Reynolds, Naval Attaché, representing the United States Navy, sailed from Seattle August 22 on the cruiser *Maryland*, Captain John M. Ellicott in command. Brigadier General John J. Pershing, Military Attaché, representing the United States Army, joined the Embassy at Yokohama. In compliance with your request Mrs. Knox also accompanied me.

The *Maryland* stopped at Honolulu for coal August 29 and * * * left for Yokohama the following day. * * * We arrived off the coast of Japan on Monday morning, September 9, a day in advance of the scheduled time of our arrival. In compliance with the request of the Japanese officials we anchored in Yokohama harbor at three o'clock that same afternoon, being the first of the special foreign embassies to arrive.

We were met aboard the *Maryland* by the full staff of the American Embassy at Tokio and by the special Japanese reception committee headed by his excellency Viscount Kurino, once representative of the Imperial Japanese Government in Washington, and escorted with the usual marks of honor to the landing where we were welcomed by the local Japanese officials and a company of American residents of Yokohama. Proceeding to Tokio by special train, we were greeted by a large concourse of Japanese officials, business men and American citizens, headed by his excellency Viscount Uchida, Minister for Foreign Affairs and late Japanese Ambassador to the United States. From the station we were formally escorted to the residence which had been assigned to us, the official residence of the Minister of the Imperial Household, adjoining the premises of the American Embassy in Tokio.

In view of the baseless reports current in many quarters that the Special Embassy might have also some ulterior political mission, I took occasion immediately upon my arrival in Tokio to set these reports at rest by making a public statement of its true object, which was to pay a tribute of respect to the memory of the late Emperor and to express the interest of the American people in the progress of Japan under His Majesty's remarkable reign. A copy of this and of all other public or official statements made by me in connection with the Special Mission will be found annexed hereto. * * *

On Wednesday the 11th, accompanied by my staff and escorted by a guard of honor, I proceeded to the Palace to present my letter of credence to His Majesty the Emperor of Japan. In presenting my letter I took occasion to make a few remarks voicing the respect, sympathy and friendship of the American nation. The Embassy, accompanied by Mrs. Knox, was also received in audience by Her Majesty the Empress and later given an opportunity of paying its respects to the memory of the late Emperor, whose body was lying in state in the Throne Room of the Palace. The formalities ended with a breakfast given by the Court to the members of the special embassies and resident diplomatic representatives.

The funeral services of the late Emperor, who will be known in history as Meiji Tenno, were held on Friday evening, September 13, in the Aoyama district of Tokio, where the special embassies, foreign representatives and a large concourse of Japanese and foreign officials and residents convened to await the arrival of the Imperial cortège, which left the Palace at eight o'clock. The funeral services, conducted according to the Shinto ritual, were most impressive in their simplicity. At the conclusion of the ceremonies, after paying their last respects before the bier, the foreign representatives withdrew. * * *

The Special Embassy took its formal departure from Tokio on Saturday September 21, with the same marks of courteous attention that had characterized its arrival, and proceeded to Yokohama. That evening, at a quiet dinner given in our honor by the American

Asiatic Association of Japan, I took occasion to make a few remarks to my fellow-countrymen, expressing my conception of the true relations that exist and should exist between Japan and the United States.

The Embassy sailed from Yokohama by the cruiser *Maryland* on Saturday, September 22.

In conclusion I wish to record my conviction, based upon my personal observations while in Japan as well as upon the unanimous expressions of the Jananese officials and press, that the sympathetic purpose of the Special Embassy was truly interpreted and deeply appreciated by the Japanese Court, Government and people alike and did much to emphasize and strengthen the ties of ancient friendship existing between the two nations.

Respectfully submitted.

P. C. KNOX.

[Inclosure 1.]

Public announcement made by the Special Ambassador on arrival in Tokyo, September 9, 1912.

The President, as Chief Executive of the American Nation, has sent me as his special representative to pay a tribute of respect to the memory of your late Emperor; to manifest the appreciation of the American people of the wonderful achievements for Japan and humanity under His Majesty's benign reign; and to express the sympathetic, continuing and unabated American interest in united Japan and in the new life of equality of right and opportunity of her people for which his late Majesty's name will be forever revered. This is my mission and this my message to Japan, her Emperor, and her people. That I should have been selected as its bearer is an honor and privilege which I unfeignedly prize and appreciate.

[Inclosure 2.]

Remarks of the Special Ambassador on presenting Letter of Credence to His Majesty the Emperor of Japan, September 11, 1912.

YOUR MAJESTY: I very keenly appreciate the honorable privilege that has been vouchsafed to me by the President in accrediting me, by the letter I bear, as his personal representative and ambassador charged with the special mission of bringing to Your Majesty and the Imperial family, the Government and people of Japan the sympathetic message of the American Commonwealth on this sad occasion. Not the least of the ties of true friendship that join the nations of the earth in the higher brotherhood of affectionate esteem is the bond of common sorrow. The people of the United States share in the grief which the people of the great Empire of the Orient feel in presence of the bereavement that has befallen them in the death of their beloved Ruler; and the President, in obedience to the sentiment of his countrymen no less than in response to his own personal feeling, has charged me to voice the condolence of his countrymen, and in so doing to express to oYur Majesty his own sincere sympathy with you in the loss of your distinguished father.

It is right that I should accomplish this mission in a spirit befitting the intimacy that has so long existed between the Republic of the West and the Empire of the East. First among the nations to greet the entrance of your Island Commonwealth into the family of the modern nations, and constantly since that memorable epoch an interested and applauding spectator of the marvelous progress of your gifted people in every walk of material progress and national advancement, the United States owes it to itself as well as to Japan to demonstrate adequately on this mournful occasion the closeness of the association of the two Commonwealths by partaking of your sorrow as earnestly as we admire your prosperity, and by rendering heartfelt tribute, at the bier of your lamented Ruler, to the memory of one whose skill in statecraft and wisdom in governance were potent factors in setting Japan in the high place won by earnest effort and unwearying achievement.

[Inclosure 3.]

Remarks of the Special Ambassador made at a farewell dinner tendered by the American Asiatic Association, Yokohama, September 21, 1912.

In taking leave of this beautiful land and of you, my countrymen, who have shared with me the responsibility of making due expression of the sincere sympathy entertained by the American people in the great sorrow of Japan, my mind instinctively turns to some of the most conspicuous accomplishments for the general good of the reign that has just closed.

The present solemn grief of Japan, so sympathetically shared by the other civilized powers and which to many of you must in a sense seem personal, may surely be assuaged by the proud contemplation of the inestimable blessings of the Meiji era. Whether measured by the peculiar inherent difficulties overcome, the radical nature of reforms accomplished, or their effect upon the progress, happiness, and prestige of the people, it seems not too much to assert that the record of real accomplishment during the beneficent reign of the late Emperor is not excelled by any other chapter in human history.

The character and tastes of the Japanese people and the nature of their institutions have been largely molded and virilized by contact with the natural forces of their environment and softened by contemplation of the beauties of the land in which they were developed and matured.

Unaffected by external forces and influences for so many generations, Japanese institutions became deep rooted and seemed unchangeably fixed and the characteristics and temperament of the people apparently reflected a permanent result of their long isolation and a self-reliance well adapted to meet the conditions of the national life.

The relations of the United States and other western powers to the marvelous changes that have taken place in Japan during the past sixty years have been intimate and direct. If the Japanese horizon has been expanded it is largely because we have urged her to open the door for the ingress of our civilization and the egress of her own. If the dual system of government that for hundreds of years seemed to meet the demands of Japanese conditions has now been permanently abolished and the Empire unified and strengthened, through self-sacrificing patriotism that has no historic precedent, it is because such changes were necessary to enable Japan to meet the responsibilities and protect herself against the danger of the new relations to the world's progress to which the West invited her. We have applauded the zealous and intelligently directed efforts and the rapid success attained under the late Emperor in the adjustment of Japan to new responsibilities. When he insisted upon respect for and gave protection to productive labor, eliminated feudalism and its attendant special privileges, established and promulgated equal and humane laws for the government of his people, the West looked on with admiration and recognized a highly intelligent and assiduous preparation to faithfully perform an important part in the work of advancing a higher world civilization.

The renascence of Japan has occurred in the "Meiji Era" of international intercourse. There is to-day a decided impulse towards social coordination that must become a real cosmic force. Through the marvelous modern development in the means of communication each nation promptly feels the influence of the public opinion of all nations. As nations understand each other better and the world draws closer together in the recognition of a common humanity and conscience, of common needs and purposes, there is carried into the international field the insistent demand for greater unity in enforcing everywhere the principle of a high humanity and, by restraints mutually applied and observed, all the human ameliorations without which both national and international life would soon fall into anarchy and decadence.

At all times recalling with satisfaction the special and important part taken by America in urging Japan to take her proper place upon a broader stage of the world's activities, we, logically, are prepared to rejoice with her in her progress towards the attainment of her maximum development and usefulness to the civilization of the future.

[Inclosure 4.]

Statement to the Press on return of the Special Ambassador to the United States.

As publicly announced before I left Washington and repeated on my arrival in Japan, the purpose of my recent mission was, on behalf of the President and the people of the United States, to pay a tribute of respect to the memory of the late Emperor; to manifest the appreciation of the American people of the wonderful achievements under His Majesty's benign reign; and to express the sympathetic American interest in the new Japan.

In fulfilling that high mission I was received on all sides by the Court, the officials, and the people of Japan in the spirit in which I came. I have the pleasantest recollections of the kindly reception that was everywhere accorded me in Japan, both personally and as representative of the American people, at a time of profound national mourning.

LAND LAWS OF CHOSEN. VALIDITY OF CONSULAR REGISTRATION OF TITLE.

File No. 895.52/10.

The Vice Consul General at Seoul to the Secretary of State.

American Consulate General,
No. 334.] *Seoul, April 22, 1912.*

Sir: I have the honor to enclose herewith translations,[1] made in this office, of ordinances of the Government General of Chosen, as follows:

Ordinance for Certification of Immovables in Chosen (effective April 1, 1912).
Ordinance for Registration of Immovables in Chosen. (Date of enforcement to be determined by the Governor General.)
Registration Tax Ordinance (effective April 1, 1912).

These ordinances in no wise affect the validity of titles which have already been certified. They merely provide for the maintenance by local officials of comprehensive land records, and all future transactions must be carried out in accordance with them.

Viewed broadly, these laws appear to be the latest move on the part of the Government General to complete the work which has occupied the attention of the Japanese authorities ever since their arrival in this country, i. e., to establish some authoritative record of land rights. The first land laws were promulgated by the then Korean Government on October 31, 1906, and supplemented by numerous other laws regarding the certification and registration of rights in land. Finally, on August 24, 1910, a law providing for a thorough investigation of the lands of the peninsula was enacted.[2] This investigation will, when finished, furnish a complete cadastre of Chosen. These new ordinances provide a means of keeping the cadastre up to date. They have, moreover, the advantage of compelling uniformity of land records throughout the country, a condition which has not obtained hitherto.

While these ordinances place considerable power in the hands of local officials, there is provision for appeal to the courts, and it is not anticipated that any injustice will result.

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[1] Not printed.

[2] For. Rel. 1911, p. 328.

I respectfully direct attention to the Registration Tax Ordinance, (Enclosure No. 3) which provides, upon certification of land rights, for the payment of fees ranging from one half of one per centum to two per centum of the value of the land or of the rights therein. This provision appears to mark the first attempt on the part of the Government to levy an equitable land tax. Provision is also made for the payment of fees by juridical persons. Article 7, paragraph 3, provides that upon certification of the sites of shrines and temples and tomb lands registration taxes shall not be paid. I have asked whether this category would include Christian churches, but have not, as yet, received a reply.

I have [etc.]

EDWIN L. NEVILLE.

File No. 895.52/11.

The American Ambassador to the Secretary of State.

AMERICAN EMBASSY,
No. 86.] *Tokyo, June 14, 1912.*

SIR: Referring to the Embassy's despatch No. 1295[1] of February 7, 1911, in regard to the rights of American citizens claiming title to land in Chosen (Korea), with which were enclosed notes exchanged with the Foreign Office on the subject, I have the honor to transmit, in duplicate, a copy of a despatch No. 3582E. of June 7, 1912, from the Consul-General at Seoul, enclosing a circular[2] issued on that day to foreign owners of land and their agents by the Land Investigation Committee of the Government-General at Seoul.

I would respectfully call the Department's attention to the provisions of the first paragraph of the circular, entitled "Matters to be paid attention to by Foreign Land-Owners," which is as follows:

> Land-owners shall present reports of their lands or copies of consular registrations of their lands directly to the Land Investigation Bureau or officials of the same office. It is better for them to send reports of their lands than to send copies of Consular registrations.

The investigation into land titles which is now being conducted by the office of the Government-General at Seoul is of great interest to American citizens resident in Korea, many of whom are land owners.

Inasmuch as the provisions of the first paragraph did not seem to be in accord with the assurance that Consular registrations would be considered as prima facie evidence of title, which was expressed in Count Komura's note of February 4, 1911, a copy of which was enclosed with the Embassy despatch of February 7, 1911, herein referred to, I today addressed a note to the Foreign Office referring to the circular and requesting that the probative value contemplated in Count Komura's note be accorded registrations of land from the archives of the American Consulate-General at Seoul. I beg to enclose a copy of this note.

I have [etc.]

CHARLES PAGE BRYAN.

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[1] Should be 1297; see For. Rel. 1911, p. 333.

[2] Not printed.

[Inclosure 1.]

The Consul General at Seoul to the American Ambassador.

AMERICAN CONSULATE GENERAL,
Seoul, June 7, 1912.

No. 3582 E.]

SIR: Referring to my letter of December 9, 1910, (No. 1754), addressed to Mr. Schuyler,[1] and to Mr. O'Brien's reply thereto, of February 7, 1911, (C. No. 1514),[2] relating to the investigation of lands by the Government of Chosen, I have the honor to enclose herewith circulars, which have been this day issued to foreign owners of land and their agents by the Land Investigation Committee at Seoul, containing instructions to aid in said investigation.

I have [etc.]

GEO. H. SCIDMORE.

[Inclosure 2.]

The American Ambassador to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Tokyo, June 14, 1912.

No. 54]

EXCELLENCY: Referring to this Embassy's note[3] of December 15, 1910, and to the reply of your excellency's predecessor, Count Komura, of February 4, 1911,[4] in regard to the investigation of land titles in Chosen, I have the honor to request your excellency's attention to the circular "Matters to be paid attention to by Foreign Land-owners" which was on June 7 issued to foreign owners of land and their agents by the Land Investigation Committee of the Government-General.

The provisions of the first paragraph of this circular require that land owners shall present to the proper officials "reports" of their lands or copies of Consular registrations of their holdings, and continues, "It is better for them to send reports of their lands than to send copies of Consular regulations."

In the note herein referred to, Count Komura assured the Embassy that the Consular registrations would, in the investigations undertaken by the Government-General, be taken as prima facie proof of the ownership of the land recorded.

I am confident that your excellency under these circumstances will take the necessary steps to the end that the records of registration from the archives of the American Consulate-General at Seoul shall be accorded the probative value contemplated in Count Komura's note.

I avail [etc.]

CHARLES PAGE BRYAN.

File No. 895.52/12.

The American Ambassador to the Secretary of State.

AMERICAN EMBASSY,
Tokyo, August 2, 1912.

SIR: Referring to my despatch No. 86 of June 14, 1912, in regard to the rights of American citizens claiming title to land in Chosen (Korea), I have the honor to enclose herewith a copy of a note (No. 1) received this day from the Japanese Foreign Office in reply to my note No. 54 of June 14.

I have [etc.]

CHARLES PAGE BRYAN.

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[1] For. Rel. 1911, p. 828.

[2] Not printed.

[3] For. Rel. 1911, p. 830.

[4] For. Rel. 1911, p. 833.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

DEPARTMENT OF FOREIGN AFFAIRS,
No. 1.] *Tokyo, August 1st, 1912.*

MR. AMBASSADOR: In acknowledging the receipt of Your Excellency's note No. 54 dated the 14th ult., in which you deem it necessary to call my attention to certain provisions of the circular "Matters to be paid attention to by foreign land-owners" which was issued by the Land Investigation Bureau of the Government-General of Chosen, I have the honor to state that having at once communicated the above to the Government-General, I am now in receipt of a reply therefrom to the following effect:

> With a view to make known the necessary formalities in connection with the land investigation in Seoul to all foreigners owning land there, the Temporary Land Investigation Bureau detailed in the beginning of June last some of its members to foreign Consulates in Seoul with the request that the two circulars "Matters to be paid attention to by foreign land-owners" hereto appended might be distributed to the land-owners interested; and the expression "It is better for them, etc." cited in Your Excellency's note under acknowledgment is merely an English rendering of the Japanese 「便利トス」. The purport of the circulars was to show that either formal reports relating to land tenure or copies of Consular registrations would be sufficient; but as blank forms hereto appended (marked C) for writing reports on had been prepared by the said Bureau, it would be more convenient both for presenters of reports and the authorities concerned to fill up the same according to Form B.; and the circulars were not intended to affect in any way the validity of Consular registrations.

In communicating the above to your excellency, I avail myself on this occasion to renew to you, Monsieur l'Ambassadeur, the assurances of my highest and most distinguished consideration.

VISCOUNT Y. UCHIDA.

File No. 895.52/13.

The American Consul General at Seoul to the Secretary of State.

AMERICAN CONSULATE GENERAL,
No. 367.] *Seoul, August 23, 1912.*

SIR: I have the honor to transmit herewith a translation of an ordinance,[1] with subsidary regulations,[1] promulgated by the Government General of Chosen on August 13, 1912, relating to land surveys and titles.

These measures supplement and in a few particulars modify the law No. 7, promulgated August 24, 1910, a translation of which was forwarded by me to the Department through the Embassy at Tokyo in December, 1910.[2]

Article 2 of this ordinance provides for numbering and classifying holdings.

Article 3 gives as the unit for areas the "tsubo" or "bu", equivalent to nearly 36 square feet. There are about 1200 tsubos to an acre.

Articles 4 and 5 relate to information to be furnished to the Land Investigation Bureau by land owners or lessees.

Article 6 relates to appointment of representatives of owners to assist in investigation and survey.

Article 7 relates to attendance of parties, and witnesses and production of muniments of title.

Article 8 authorizes entry upon lands by officials, after notification, and for compensation for damage arising from such entry.

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[1] Not printed.

[2] See For. Rel. 1911, p. 328.

Under Articles 9, 10, and 11 the President of the Special Land Investigation Bureau shall decide as to ownership and boundaries of land, and publish the same during 30 days, after which, and within 60 days following, dissatisfied parties may appeal to the Higher Land Investigation Committee.

Articles 12, 13, 14, and 15 relate to procedure on appeal.

Under Article 16 a rehearing before the Higher Land Investigation Committee may be applied for within three years from the date of its decision in cases of misconduct of the parties or fraud.

Article 17 provides for land registers and maps.

Articles 18 and 19 prescribe penalties.

The appended regulations give further details as to the application of these articles.

I have [etc.]

Geo. H. Scidmore.

File No. 895.52/12.

The Acting Secretary of State to the American Ambassador.

Department of State,
No. 43] *Washington, September 7, 1912.*

Sir: The Department is in receipt of your despatch (unnumbered) of August 2, 1912, transmitting copy of a note from the Japanese Foreign Office relating to certain provisions of the circulars issued by the Japanese Government concerning the rights of American citizens claiming title to land in Chosen.

Your action in this matter has the approval of the Department, and it notes with satisfaction the statement in the communication from the Foreign Office, dated August 1, 1912, that the circulars were not intended to affect in any way the validity of consular registrations.

I am [etc.]

Advey A. Adee.

File No. 895.52/14.

The American Consul General at Seoul to the Secretary of State.

American Consulate General,
No. 382.] *Seoul, November 2, 1912.*

Sir: I have the honor to enclose herewith a clipping from this morning's edition of the semi-official "Seoul Press," entitled "Suspension of Issue of Land Title Deeds," in which it is stated that the issue of title deeds or land certificates will be unnecessary under present arrangements, "the ownership of land in Chosen being fully ensured by means of the registration by owners in the official land ledger," and that "copies of the land ledger will, on application, be given to land owners, after the investigation work has been concluded."

Article X of Korean Law No. 7, promulgated August 24, 1910, a translation of which was forwarded from this office through the

American Embassy at Tokio under date of December 9, 1910,[1] provides:

"The Government shall provide registers of lands and maps, record affairs concerning lands, and issue title deeds for lands."

I have [etc.]

GEO. H. SCIDMORE.

[Inclosure.]

Suspension of Issue of Land Title Deeds.

It was originally planned to issue title deeds to ensure the possession of land to land owners in Chosen, on the conclusion of the investigation of land now being carried out by the Government-General. Subsequently, however, the Chosen Civil Law as well as the Law for Registration of Immovable Assets in Chosen was promulgated, and by virtue of these two laws the ownership of land in the peninsula has come to be fully ensured. In consequence it has now been considered that the issue of land certificates is unnecessary and the plan has been cancelled, the ownership of land in Chosen being fully ensured by means of the registration by owners in the official land ledger. Copies of the land ledger will on application be given to landowners, after the investigation work has been concluded.

ABANDONMENT OF THE PROPOSED INTERNATIONAL EXPOSITION AT TOKYO.[2]

File No. 894.607A/231.

The American Ambassador to the Secretary of State.

AMERICAN EMBASSY,
No. 44.] *Tokyo, March 5, 1912.*

SIR: Referring to my despatch No. 17, of January 8,[3] reporting that I had been informally advised by the Department of Agriculture and Commerce of the Japanese Government that the proposed holding by the Government of an International Exposition at Tokyo in 1917 had been abandoned, I have the honor to transmit herewith copy of a note, dated February 29, from the Foreign Office, stating officially that the Government have, to their deep regret, been compelled by unavoidable circumstances to abandon the project.

Some reference has been made in the local press to the possibility that those countries, including America and Mexico, which had arranged for participation in the exposition, might feel offense in the abandonment of the enterprise, but it should be viewed simply as an economy made necessary by the present Government's policy of retrenchment in national finance.

The Minister for Foreign Affairs, in my last interview with him, said the chief regret of himself and his colleagues at the abandonment of the exposition was on account of the generous appropriation made by our Government, granted as a bounteous evidence of friendliness and encouragement.

I have [etc.]

CHARLES PAGE BRYAN.

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[1] For. Rel. 1911, p. 328.

[2] See For. Rel. 1908, p. 515.

[3] Not printed.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

DEPARTMENT OF FOREIGN AFFAIRS,
No. 20.] *Tokyo, February 29, 1912.*

MR. AMBASSADOR: Referring to our former communication in regard to the Grand Exhibition of Japan which was to be held in Tokyo in 1917, I beg leave to inform you that the Imperial Government have to their deep regret been compelled by unavoidable circumstances to abandon that project.

I avail [etc.]

VISCOUNT Y. UCHIDA.

File No. 894.607 A/230.

The Japanese Department of Foreign Affairs to the Japanese Ambassador.

[Left by the Ambassador at the Department of State, March 6, 1912.]

IMPERIAL JAPANESE EMBASSY,
Washington. (*Undated.*)

On submitting the question of the proposed exhibition in 1917 to a new examination and considering all the surrounding circumstances and the advantages as well as disadvantages of holding such an exhibition in Japan at the time appointed, the Imperial Government have persuaded themselves of the inexpediency of carrying out the project. They have accordingly decided, with much reluctance and deep regret, to abandon the scheme. You are instructed to bring the decision to the attention of the United States Government and at the same time express to the Secretary of State the sense of high appreciation on the part of the Imperial Government of the very friendly encouragement and generous support which the Government of the United States had given to the undertaking.

LIBERIA.

MESSAGE OF THE PRESIDENT TO THE LEGISLATURE.

File No. 882.032/4.

NOTE.—The message of President Daniel Edward Howard was communicated to the Liberian Legislature December 12, 1912, and was transmitted to the Secretary of State by the American Chargé d'Affaires, Mr. Ricard C. Bundy, December 19, 1912.

[Extracts.]

The first item I desire to call your attention to is the commission appointed by my predecessor to delimit the Anglo-Liberian boundary between Liberia and the Colony of Sierra Leone. Mr. J. E. Barnes, the then director of public works, was appointed as chief commissioner, with instructions to proceed to the field of operations of the commission and associate with himself Mr. J. W. Cooper, commissioner for the Tengea district, and the chief of said district. He was advanced £200 sterling for expenses and equipment, and instructed that he would be furnished with carriers and laborers by Commissioner Cooper, to whom orders to that effect had been sent. Mr. Barnes left for Sierra Leone in November, 1911.

On January 1 of the present year he wrote your Executive that the previously reported unrest of the natives on the boundary had apparently subsided and the Sierra Leone Government desired that the work of the commission begin at once. On the 4th of the same month the whole commission proceeded to their work, as from the reports of Commissioner Barnes, and continued up to about the middle of February.

About this time it was reported that some of the cairns erected by the commission had been destroyed by Liberian officials, which caused a cessation of the work and created a very serious and acute situation, the details of which need not here be gone into. I may mention, however, that, growing out of the demands made upon us at the time to have Messrs. Lomax and Cooper off the Anglo-Liberian boundary within a given time, as it was alleged that they were determined to prevent by force the prosecution of the work of delimitation, we despatched the Honorable Isaac Moort to the border for the purpose of hastening the return to Monrovia of Messrs. Lomax and Cooper, who had, previous to any complaint being filed by the British Government, been recalled on January 27. Upon the arrival on the border of Colonel Moort it was discovered that these men were at Vonjama, on the Franco-Liberian boundary, and had been away from the Anglo-Liberian boundary since February 27, shortly after the arrival of the Secretary of State, who had been sent to that section for the purpose of inquiring into the alleged killing of eight native chiefs by Lomax and Cooper.

It was alleged by the British Government, owing to misrepresentations of Commissioner Barnes, that the Liberian Secretary of State, then on the border, had countenanced the destruction of the cairns already mentioned. The truth of the matter, however, is that, three or four days after the arrival at Kolahun of the Secretary of State, while at dinner one evening with the officers, he was inquiring as to the progress the delimitation commission was making, and Lieutenant Morris mentioned about the destruction of the cairns. He said that one of the British commissioners alone erected a cairn within six feet of a town where he had an outpost and that he had ordered its removal, since the Liberian commissioner was not present to sanction its erection. When the Secretary of State heard this he censured Lieutenant Morris and ordered him to return and immediately replace the stones he had caused to be thrown down.

In keeping with your resolution approved January 27, 1912, I despatched the Honorable C. D. B. King up to the Anglo-Liberian boundary to investigate the alleged killing of eight chiefs, as well as to inquire into conditions generally, and sent letters by him to Messrs. W. D. Lomax and J. W. Cooper, recalling them from their respective missions.

On March 23 I was informed by the British Government that unless Colonel Lomax and Commissioner Cooper were removed from the Liberian-Sierra Leone boundary within ten days, the Governor of Sierra Leone would be instructed to occupy all the territory claimed by Great Britain on the frontier in question; if necessary, repel force with force and the Liberian Government would be held responsible for all consequences. This issue was lengthily discussed by the British representative here and myself. Two days afterward Colonel Isaac Moort was sent to hasten the return of the officials complained of and already recalled. This step, together with the very friendly representations made by the Acting Consul General of the energetic steps the Government was already making to adjust the disordered state of affairs on the border, did much to relieve the tension then existing and to maintain that friendly feeling which obtains up to the present.

Secretary King, who, as I have stated, was sent on the border and who was represented as countenancing the destruction of cairns, was also required to return to Monrovia to make explanations, for I felt quite certain that he was innocent of the charge. My letter found him at Vonjama, whither he had returned from Zinta, on the Franco-Liberian boundary, to meet an appointment with Captain Le Mesurier. He wrote that he and both Lomax and Cooper left for the Franco-Liberian boundary on February 27, and that the latter two had not been on the Anglo-Liberian boundary since that date.

February, March, April and May passed and yet Lomax and Cooper did not present themselves at Monrovia. Distressing representations concerning the actions of Lomax and Cooper on the boundary were then made by the British Government to the American Government, who realizing that this unrectified state of affairs would inevitably imperil the loan negotiations then pending, urged your Executive to fulfill the promise to the British Government and have Lomax and Cooper to immediately return to Monrovia. I again despatched for them on May 23, sending the Honorable J. L.

Morris who took with him Honorable J. J. Sharp and Captain A. A. Browne of the Frontier Force. By forced marches they reached Loma in the Belleh country, in fourteen days, where it was reported that Lomax and Cooper were, but on reaching there it was found out that Lomax was at Labalaba, a day's journey further up. Mr. Cooper was leisurely wending his way to Monrovia by another route, but was overtaken by Messrs. Morris and Browne, with Colonel Lomax. This special commission reached Monrovia with Messrs Lomax and Cooper on the 26th of June.

On the 1st day of August, in keeping with your resolution referred to, Lomax and Cooper were arrested, their cases examined, and they incarcerated to wait the September term of the circuit court. At the said term of court they were tried and acquitted by the jury of the charge of murder. The killing of the chiefs was proven and also admitted by the defendants, but a plea of justification in a military emergency was claimed.

The negotiations for the consummation of the loan agreement have been obstructed and delayed by many complex influences, which at times threatened to defeat the loan altogether. It has been no easy task on the part of those responsible for the launching of the loan to harmonize the various interests to whom the Government has been obligated. This task has been rendered the more delicate in view of the fact that these interests were more or less supported by their Governments.

The dilatory progress of the loan, with the consequent lateness of the organization of the receivership, is to be regretted by everyone. At times this suspense engendered discouragement in the minds of the people and has, moreover, mitigated [sic] against the inauguration of many of the plans of the Administration contingent upon the active institution of the receivership. It was fondly hoped that the loan negotiations would have been consummated on April 1 and the receivership in smooth working by the time your honorable body met. As it is, the actual completion of the negotiations is only a few weeks old and the receivership was only definitely organized on November 26.

Our internal affairs have played a part in arresting temporarily these developments, or at least threatening to do so. The disturbances on the Anglo-Liberian boundary in connection with the delimitation of that boundary, and the failure of Messrs. Lomax and Cooper to promptly return to Monrovia, already detailed, caused the bankers to doubt for a while the wisdom of proceeding further with the negotiations, believing, from reports given out, that investments here were insecure. Almost simultaneously with this alarm came a fresh rumble of fear from the bankers relative to what they considered an unreasonable increase in our floating debt, apparently accumulated since the report of the Internal Debt Commission. This debt, of something over one hundred thousand dollars, could in nowise be accurately determined, as it was not only made up of current accounts with the merchants, but of frontier force and miscellaneous claims unregistered by the Internal Debt Commission. We are glad to say, however, that explanations furnished the bankers were satisfactory.

In February your Executive sent out a circular letter, together with acceptance forms, to all citizens who held claims against the Government, apprising them of the terms of settlement which the bankers had agreed upon as the most equitable adjustment of these claims. We urged that these terms be accepted, and it is to be regretted that there was not a larger percentage of acceptances. It may be that many of our citizens were deterred in this instance by the thought that foreign creditors would be given more for their claims, but I can assure you now that the same classes of certificates held by foreigners and Liberians will be settled upon exactly the same terms; there is to be no differential treatment.

The loan of 1912 is now a fact, and without concerning ourselves with its history we can look forward hopefully for the accomplishment of those beneficial results contemplated at the time of seeking the loan. I feel certain that your honorable body will do all in your power to see that the Government faithfully comply with the obligations imposed upon it by this agreement.

The Secretary of War's report shows an enrollment of twenty commissioned officers, including the three American officers secured to organize an adequate Frontier Force and Patrol Guard, in conformity with the stipulations of the loan agreement, and 540 enlisted men, stationed on the frontiers and elsewhere.

I desire to draw your special attention to the scheme for the reorganization of the Frontier Force which has been drafted by the commanding officer of the Frontier Force, Major Ballard, and which will be presented to you by the Secretary of War. This plan will give us a Frontier Force according to our needs and one whose efficiency can not be doubted, and I trust it will have your instant approval.

DISTURBANCES ON THE ANGLO-LIBERIAN FRONTIER.

File No. 882.00/443.

The American Minister to the Secretary of State.[1]

No. 25.]

AMERICAN LEGATION,
Monrovia, January 8, 1912.

SIR: I have the honor to herewith transmit, for the information of the Department, copies of the correspondence bearing on an incident which took place on January 1, 1912, on the Sierra Leone-Liberian border, in which it is alleged that the Liberian Frontier Force was about to attack the town of Behlu in the neutral zone along the frontier and was repulsed by British troops; four Liberians being killed in the action.

Since the subject might become one of international importance, I have thought it fitting to furnish the Department with this information.

In this connection I have to add that a general state of unrest is acknowledged to exist along the Franco-Liberian border as well as the Sierra Leone-Liberian border, and it is very doubtful whether the

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[1] For the Department's reply to this dispatch, dated February 13, 1912, see "Reorganization of the Liberian Frontier Force under American officers," p. 664.

Liberian Frontier Force, under the officers now having command, are able to effectively cope with the situation.

The Liberian-British Commission which was sent out some two months ago to actually delimitate the new Sierra Leone-Liberian frontier, incident to the exchange of the Kanré-Lahun district,[1] has been unable to leave Freetown, Sierra Leone, to engage in the work delegated to it on account of the unsettled condition of the frontier country.

The Liberian Government has intimated its readiness to request the designation of the ex-United States Army officers by the President of the United States, for the purpose of reorganizing the Liberian Frontier Force, if in the opinion of the Department the time has arrived when this can be appropriately done. Present conditions would seem to indicate that there is pressing need for the reorganization of the Liberian Frontier Force at as early a date as possible.

Any additional information which I may be able to obtain with reference to conditions on the frontier I will transmit immediately to the Department.

I am [etc.]

WM. D. CRUM.

[Inclosure.]

The Liberian Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Monrovia, January 5, 1912.

DEAR MR. MINISTER: By direction of His Excellency the President, I have the honor to inclose herewith, for the information of your Government at Washington, copies of the correspondence between the Acting British Consul-General and the Liberian Secretary of State touching certain recent incidents on the Anglo-Liberian frontier as reported by the Government of Sierra Leone.

The Liberian Government has not yet received a report from its agent on the spot, but hope to communicate the same to you when it is received.

I have [etc.]

C. D. B. KING.

[Subinclosure 1.]

The Acting British Consul-General to the Liberian Secretary of State.

BRITISH CONSULATE GENERAL,
Monrovia, January 4, 1912.

SIR: I have the honor to inform your execellency that I am just in receipt of a telegram from his excellency the governor of Sierra Leone reporting that on the 1st instant the Liberian troops attacked the town of Behlu, which is in the neutral zone of the frontier. The attack was repulsed by British troops, four Liberians being killed in action, and I beg to state that I am urgently requested to approach you excellency's Government to take immediate steps to prevent further bloodshed and encroachment by the Liberian troops in the neutral zone pending the arrival of the boundary commissioners, who are expected to leave for the frontier to-day.

I beg to point out that if the instructions dispatched by the previous Liberian President, the Honorable Arthur Barclay, which he assured me had been sent, had been received and faithfully carried out by Colonel Lomax, in command of Liberian Frontier troops, and Mr. Cooper, the Liberian Frontier Commissioner, this unfortunate encounter would in my opinion never have taken place; and that after the serious troubles and misunderstandings so recently reported from the Liberian-Sierra Leone frontier wherein the names of Colonel Lomax and Mr. Cooper figured so prominently through their arbitrary actions in the neutral zone, these two Liberian officials plainly show to all concerned that they do not comprehend the great importance of keeping the peace during the operations of the boundary commission in the delimitation of the boundary.

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[1] See For. Rel. 1911, pp. 398 et seq.

The seriousness of the boundary commission being again delayed in their work under the deplorable circumstances mentioned may cause a prolonged postponement of the delimitation of the Liberian-Sierra Leone border, and would therefore beg to earnestly request your excellency to urge the Liberian Government in their own interest to take all possible preventive means against this happening.

I beg that your excellency will be good enough to furnish me with an early reply to this communication so as to permit me to transmit the same by cable to His Britannic Majesty's Government of Sierra Leone.

I have [etc.]

M. Y. H. Parks.

[Subinclosure 2.]

The Liberian Secretary of State to the Acting British Consul General.

Department of State,
Monrovia, January 5, 1912.

Sir: Your dispatch of yesterday, informing me that you were just in receipt of a telegram from the Government of Sierra Leone reporting that on the 1st instant the Liberian troops attacked the town of Behlu, and that the attack was repulsed by British troops, four Liberians being killed, has been laid by me before His Excellency the President, who now directs me to say that he exceedingly regrets the incident on the frontier between British and Liberian troops as alleged by His Britannic Majesty's Government of Sierra Leone, as well as the delay which must necessarily attend the work of the boundary commission in consequence thereof, and to assure you that instructions will be immediately sent to the Liberian officials on the frontier to observe most strictly the terms of the provisional agreement entered into between the Government of Sierra Leone and the Republic of Liberia in the month of May last year pending the boundary delimitations.

I am further directed by His Excellency the President to say, that he is most anxious to put forth every effort to facilitate the work of the boundary commission, yet he can not permit the incident of the killing of Liberian subjects by British troops within the neutral zone on the frontier to pass without recording the solemn protest of his Government against such actions on the part of the British troops.

The President, however, hopes that these occurrences on the Anglo-Liberian frontier will not in any way mar the most friendly relations which so happily exist between the Sierra Leone and Liberian Administrations at the present moment.

With assurances [etc.]

C. D. B. King.

File No. 741.8215/40.

The Acting Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, March 28, 1912.

The American Ambassador at London has received a note from the British Foreign Office stating that the officials of Liberia have refused to carry out the terms of the Anglo-Liberian Agreement negotiated last year with the assistance of the United States Minister at Monrovia, and that they have destroyed the boundary marks erected by the delimitation commissioners.

In a memorandum attached to the British note the following facts are recited: That in last November information was received from the Governor of Sierra Leone that in the neutral zone on the northeastern boundary of Liberia, in Districts Tungia and Tengea, which districts were among those, according to the provisional agreement of May 15, 1911, to be protected by both British and Liberian commissioners pending a meeting of the commission, Liberian troops had been destroying property. The Government of Great Britain has learned that Mr. Cooper, in charge of boundary commission, and Colonel Lomax, commanding Liberian troops on the frontier, have been acting in most extraordinary and arbitrary manner and were entirely responsible for these disturbances, Mr. Cooper having repudiated the provisional agreement. Upon representations thereupon made by the British Government Liberia promised on January 16 to recall both Cooper and Lomax and gave assurances that the provisional agreement should be strictly observed and the Liberian Secretary of State, Mr. King, was sent to Sierra Leone to investigate the disturbances.

Toward the end of February last the British Government was informed that Liberian troops at Foya had removed cairns which had been erected by British and Liberian commissioners jointly and that the commanding officer refused positively to recognize the boundary fixed by the commissioners. It appeared, moreover, that Mr. King had countenanced these acts.

Furthermore the British Government has received numerous reports from the frontier concerning the unsatisfactory behavior of both Cooper and Lomax. On the 14th of this month the situation on the frontier having grown worse, the British Government was compelled to inform the Government of Liberia that the British commissioners had been withdrawn and that colonial authorities would occupy and administer such territory on the frontier as they deemed proper and that the British Government would demand reparation for the insult offered them.

Subsequently a full report of the circumstances was received by the British Government showing that notwithstanding the Liberian Government's promise, neither Cooper nor Lomax had left the frontier and that the situation there had gone from bad to worse.

In view of these facts the British Government has decided to advise the Government of Liberia that unless Cooper and Lomax and also Morris, an officer commanding Liberian troops at Foya, are withdrawn within ten days, the Governor of Sierra Leone will be directed to occupy territory claimed by Government of Great Britain with a force adequate to deal with any aggression from Liberian side and in case such aggression takes place to follow the aggressors into Liberian territory as far as may be necessary to deprive them of the power of further aggression. (End of British note.)

You will bring this matter instantly to the attention both of the President and the Minister for Foreign Affairs of Liberia, urging that Cooper, Lomax, and Morris be withdrawn at once and the incident satisfactorily closed; otherwise both the bankers and this Government may well feel justified in dropping at once all further negotiations regarding loan. Cable as soon as possible results of your protests.

WILSON.

File No. 741.8215/40.

The Acting Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 28, 1912.

The substance of your telegram of the 27th instant[1] has been cabled to the American Minister at Monrovia and he has been instructed to urge upon the Government of Liberia the absolute necessity of an immediate compliance with the demands of the British Government. Advise the Foreign Office of the action of this Government, and, in view of the present status of the loan negotiations, intimate our hope that the British Government will feel inclined to the utmost patience to bring about a satisfactory solution of the difficulty.

WILSON.

File No. 741.8215/41.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, April 1, 1912.

Department's March 28. President Howard and Liberian Government repudiate unreservedly actions of Cooper, Lomax and Morris on Sierra Leone-Liberian boundary. Secretary King was sent to boundary January thirty-one with letters of recall for Lomax and Cooper, dated January twenty-seven. Recalls ignored by them. President Howard then sent cables on February twenty-three, March fifteen and March twenty-three repeating their immediate recall and on the latter date added recall of Secretary King and Morris. Failing to obtain removal of these officials from the boundary President Howard sent Colonel Moore[1] on March twenty-seven to boundary to bring insubordinate officials to Monrovia at once and secure immediate return of Secretary King. March twenty-nine Col. Moore[2] cabled President Howard that Secretary King in company with insubordinate officials had left Sierra Leone-Liberian boundary and gone to Zinta on Franco-Liberian boundary and could not be reached by April first. Liberian Government requests extension of ten day period set by British Government for Liberian officials to leave boundary and promises their removal in reasonable time. If, after Colonel Moore[1] has communicated with Cooper, Lomax and Morris, they persist in further disobedience President Howard proposes to declare them outlaws and treat them as such. President Howard is grievously disappointed at the failure of Secretary King to successfully handle the situation and is doing his utmost to bring the unhappy incident to a satisfactory conclusion.

CRUM.

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[1] Not printed.

[2] Moort.

File No. 741.8215/41.

The Acting Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 1, 1912.

Transmits substance of above telegram and instructs to inform the British Government thereof and to state that this Government hopes that, taking into consideration the efforts of the Liberian Government to correct the unfortunate state of affairs on the boundary and the state of the loan negotiations, the British Government will be patient and show leniency before taking any action adverse to Liberian interests.

WILSON.

File No. 741.8215/43.

The Acting Secretary of State to the American Ambassador to Great Britain.

No. 1687.]

DEPARTMENT OF STATE,
Washington, April 11, 1912.

SIR: The Department has received your dispatch No. 1952, of March 30, 1912,[1] in which you transmit copies of correspondence exchanged by your Embassy with the Foreign Office concerning the disturbances that have taken place during the last few months on the Anglo-Liberian frontier, and thanks you for the action taken by your Embassy in the matter.

It appears from Minister Crum's telegram, the substance of which was cabled to you on the first instant, that the Liberian Government has made earnest efforts to correct the unfortunate state of affairs existing on the Sierra Leone border. The American military attaché and the three American ex-Army officers are now on their way to Monrovia for the purpose of reorganizing the Liberian constabulary and the Department feels sure that when this is accomplished conditions on Liberia's frontiers will show a marked improvement.

I am [etc.]

HUNTINGTON WILSON.

File No. 741.8215/44.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, April 12, 1912.

Replying to my request for leniency in dealing with the Liberian boundary troubles, the Foreign Office has assured me that the British Government will exercise all possible forbearance. The Governor of Sierra Leone has been instructed to suspend action until he receives further instructions.

REID.

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[1] Not printed.

File No. 741.8215/44.

The Acting Secretary of State to the American Ambassador to Great Britain.

[Telegram.]

Department of State,
Washington April 15, 1912.

Your April twelve. Express to Foreign Office high appreciation of this Government regarding forbearance British Government in Liberian boundary troubles.

Wilson.

File No. 741.8215/48.

The American Minister to the Secretary of State.

[Telegram.]

American Legation,
Monrovia, May 9, 1912.

British Government objects to G. Mason, alleging incompetency. [Appointment on the boundary commission.] Appointment another surveyor imperative. Boundary Commission ready to proceed. Expense delay chargeable to the Liberian Government. Liberian President requests me to ascertain whether Captain Young may serve as Liberian Commissioner. Believe British Government would appreciate such service.

Crum.

File No. 741.8215/48.

The Acting Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, May 14, 1912.

Your May 9. Impossible for Young, officer United States Army and Military Attaché, to accept position under Liberian Government. Would not Ballard, Browne, or Newton possess qualifications to perform duties?

Wilson.

File No. 741.8215/49.

The American Minister to the Secretary of State.

[Telegram.]

American Legation,
Monrovia May 16, 1912.

Department's May 14. Captain Young says Ballard capable of performing duties and recommends his appointment on boundary commission. Liberian Government accepts recommendation.

Crum.

File No. 751.8215/60.

The American Minister to the Secretary of State.

[Telegram.]

American Legation,
Monrovia, May 16, 1912.

British Consul complains of nonappearance of Cooper and Lomax at Monrovia. Whereabouts unknown but it is supposed near the coast. Not on Sierra Leone boundary since February. King and Morris here.

Crum.

File No. 741.8215/52.

The Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, May 21, 1912.

Your May 16. Telegram received from Ambassador at London states Foreign Office informs him that in spite of promises given by Liberian Government that their officials on the Anglo-Liberian boundary would be recalled, on April 29 Lomax and Cooper were still in neighborhood of frontier and that Government of Sierra Leone has reported three cairns destroyed by soldiers of Liberia who are crossing boundary line and making use of road passing through British territory.

It is feared that this Government can no longer induce Great Britain to refrain from taking harsh measures against Liberia. Urge immediate action in restoring order. Cable what is being done.

Knox.

File No. 741.8215/52.

The Secretary of State to the American Ambassador to Great Britain.

[Telegram.—Paraphrase.]

Department of State,
Washington, May 21, 1912.

The American Minister at Monrovia reports that the whereabouts of Cooper and Lomax are unknown, that they have not been on the Sierra Leone boundary since February and that they are supposed to be near the coast. The American ex-Army officers engaged by the Liberian Government for the reorganization of the frontier force have arrived at Monrovia. The Liberian Government has appointed one of them on the Anglo-Liberian boundary commission. It is believed that conditions will soon improve. Request the British Government to refrain from taking harsh measures until results of the reorganization become evident.

Knox.

File No. 741.8215/55.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, May 23, 1912.

Referring to your May 21. Liberian Government doing its utmost to bring Lomax and Cooper to Monrovia. Conferred with President Howard yesterday, he realized gravity of the situation. Strenuous methods being used. Lomax and Cooper are reported to be within six days walk of Monrovia. Morris, Cabinet officer, and Captain Brown with instructed escort left to-day to bring them in. Messenger relay arranged. Will keep Department informed.

Stuart, Liberian Commissioner on Anglo-Liberian boundary, reports cairns were not destroyed by Liberian soldiers but washed out by freshets.

Liberia begs continued good offices of the Government of the United States and with forbearance of British Government I believe incident can be satisfactorily closed.

CRUM.

NOTE.—The above telegram was communicated to the American Embassy to Great Britain May 25, 1912.

File No. 741.8215/58.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, June 26, 1912.

My May 23. Cooper and Lomax brought to Monrovia to-day.

CRUM.

File No. 741.8215/59.

The Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 29, 1912.

Telegram received from Ambassador at London reports that Foreign Office in note of twenty-sixth instant transmits statements of various witnesses received from Governor of Sierra Leone relative to execution of eight native chiefs by Liberian officials at Kolahun. Taking these statements as a whole Foreign Office is of opinion that cruel and cold blooded murder was committed and that Lomax and Cooper were present and connived. Witnesses swear that Lomax himself shot many persons. Ambassador also informed that documents have been forwarded to British Consul General Monrovia with instructions to communicate them to Liberian Government.

You will immediately bring this matter to attention of Liberian Government expressing confidence of this Government that these reports will receive a searching investigation and if found to be true to any degree that guilty parties will be dealt with according to law.

KNOX.

File No. 741.8215/61.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, September 22, 1912.

Lomax was only indicted for murder of two of the eight chiefs he is charged with killing. He was acquitted Friday after trial lasting just two days. Cooper was indicted for murder of one chief, tried separately, acquitted Saturday after trial lasting one day.

Government made very weak cases, important witnesses not summoned. It is alleged that material evidence was suppressed. Foreign representatives and local unbiased opinion regard trial as farcical.

President very feebly supported by several members of his Cabinet and influential Government officials. Public gratification over acquittals shows general unpopularity of all efforts of Administration to bring accused officials to justice.

BUNDY.

File No. 741.8215/63.

The American Chargé d'Affaires at London to the Secretary of State.

No. 2127.]

AMERICAN EMBASSY,
London, October 16, 1912.

SIR: I have the honor to report that the Liberian Minister called upon me this morning and left with me a memorandum in regard to the case of Messrs. Lomax and Cooper, who have recently been acquitted by the Court of Quarter Sessions and Common Pleas at Monrovia.

It appears that there was a widespread conspiracy instigated by the late chiefs to overthrow the power of the Liberian Government in the interior, and that but for their timely and drastic actions, there would have been a repetition of the Sierra Leone raid of 1898.

I beg to inclose a copy of the memorandum.

I have [etc.]

WILLIAM PHILLIPS.

[Inclosure—Memorandum.]

The Liberian Minister to the American Chargé d'Affaires at London.

The case of Lomax and Cooper came up for hearing at the last term of the Court of Quarter Sessions and Common Pleas.

After a trial of three days the jury brought in a verdict of acquittal in their behalf. Of course the Executive Government have done all that was in their power to do and placed before the courts all the evidence which they had.

The defense set up the plea of justification stating that there was a widespread conspiracy instigated by the late chiefs to overthrow the power of the Government in the interior, and that but for their timely and drastic actions, there would have been a repetition of the Sierra Leone Raid of 1898. Shortage of ammunitions, distance from Monrovia, lack of railway or other quick traveling facilities and the arrears of pay of most of the soldiers suggested to them the course of action which they pursued.

LIBERIAN LEGATION,
London, October 16, 1912.

NOTE.—For a statement of the President of Liberia on this subject see "Message of the President," ante, p. 649 et seq.

REORGANIZATION OF THE LIBERIAN FRONTIER FORCE UNDER AMERICAN OFFICERS.

File No. 882.20.

The American Minister to the Secretary of State.

No. 10.]

AMERICAN LEGATION,
Monrovia, April 17, 1911.

SIR: I have the honor to herewith transmit a copy of a dispatch received from the Liberian Government, concerning the assistance which the President of the United States has intimated to the Liberian Government it was his intention to lend it,[1] in its military department.

I most respectfully request that this matter receive from the Department whatever action seems appropriate to it in the premises.

I am [etc.]

WM. D. CRUM.

[Inclosure.]

The Liberian Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Monrovia, April 17, 1911.

EXCELLENCY: The President of the United States having intimated to the Government of Liberia his intention to assist Liberia by appointing military officers for service in the Liberian Frontier Force, I have been directed by His Excellency President Barclay to request the Government of the United States to nominate officers for service in said force.

I am further directed to request that Lieutenant B. O. Davis, Military Attaché to the American Legation at Monrovia, be detailed for such service as senior officer, if not incompatible with the regulations of the United States Army.

I have the honor to request that your excellency will transmit these requests to the State Department at Washington at your earliest convenience.

I have [etc.]

F. E. R. JOHNSON.

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[1] See the President's message, p. xxiii.

File No. 882.20.

The Secretary of State to the American Minister.

No. 10.]
DEPARTMENT OF STATE,
Washington, May 25, 1911.

SIR: The Department has received your No. 10 (Diplomatic) of the 17th ultimo, in which you transmit copy of a note received by you from the Liberian Secretary of State reminding this Government of its intention to appoint United States Army officers for service on the Liberian Frontier Force and requesting that Lieutenant B. O. Davis, Military Attaché to the American Legation at Monrovia, be detailed for such service as senior officer, if not incompatible with the regulations of the Army.

In reply you are informed that the matter will receive due consideration at the proper time.

I am [etc.]

P. C. KNOX.

File No. 882.20/2.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, January 10, 1912.

The President of Liberia requests, if opportune, that United States Army officers be designated. Exigencies existing on English and French boundaries call for immediate action.

CRUM.

File No. 882.20/2.

The Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 10, 1912.

War Department thinks, on account of climate, at least four officers necessary to rehabilitate border police. Has found four ex-noncommissioned officers who are ready to undertake the work, provided they receive from Liberian Government commissions as follows: One major, one captain, two lieutenants, with salaries respectively of $2,500, $2,000, and $1,600 with housing. This must be definitely settled before their departure. Cable decision Government.

KNOX.

File No. 882.20/3.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, January 13, 1912.

Department's January 10. Liberian President submitted Department's proposition to Legislature and obtained its approval as to number of ex-noncommissioned officers for border police and amount of their respective salaries with housing.

CRUM.

File No. 882.00/443.

The Acting Secretary of State to the American Minister.

No. 21.]

DEPARTMENT OF STATE,
Washington, February 13, 1912.

SIR: The Department has received your dispatch No. 25 (Diplomatic Series) of the 5th instant,[1] in which you transmit copies of correspondence concerning the recent disturbances on the Sierra Leone-Liberian border, and suggest the necessity for an early reorganization of the Liberian Frontier Force.

In reply you are informed that Captain Charles Young, Ninth Cavalry, United States Army, who has recently been designated as Military Attaché to your Legation, expects to leave for Monrovia as soon as the loan agreement is signed which, it is now anticipated, will be in the near future. The War Department has selected three ex-Army officers who also expect to leave shortly for Monrovia to take up their duties in connection with reorganizing the constabulary.

I am [etc.]

HUNTINGTON WILSON.

File No. 882.20/5a.

The Acting Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 7, 1912.

Ask that authority be cabled Consul General Lyon to sign, for Liberian Secretary of War, after consultation with this Department, temporary contracts for one year with former American Army officers, as follows: Major at two thousand dollars and two captains at sixteen hundred dollars each per annum. Salaries to commence when officers leave homes and to be paid by General Receiver. Actual traveling expenses and free quarters allowed.

WILSON.

File No. 882.20/6.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, March 12, 1912.

Department's March 7. Liberian Government requests Department to forward the following telegram to Consul General Lyon:

> You are hereby authorized to sign for Secretary of War temporary contracts for American Army officers. Consult State Department. Howard.

CRUM.

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[1] See "Disturbances on the Sierra Leone-Liberia boundary," p. 652; the date above given is wrong; it should be January 8.

File No. 882.20/6.

The Acting Secretary of State to the Liberian Consul General at Baltimore, Md.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 12, 1912.

[Transmits above telegram.]

HUNTINGTON WILSON.

File No. 882.20/8.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, May 2, 1912.

Young and officers arrived yesterday.

CRUM.

File No. 882.20/9.

The American Chargé d'Affaires to the Secretary of State.

No. 54.]

AMERICAN LEGATION,
Monrovia, October 12, 1912.

SIR: I have the honor to transmit herewith for the information of the Department copy of a report made by Major Charles Young, Military Attaché, on the present state of the Liberian Frontier Force.

It is my belief that conditions in Liberia are becoming constantly more involved, and feeling that the Department ought to have the fullest and best information on every important factor entering into the situation, I have requested Major Young to make a report on the present state of the Liberian Frontier Force.

His relation to the Frontier Force since coming to the country has given him ample opportunity to acquire full knowledge of its condition. His views, I thought, would be valuable to the Department. It was with this idea in mind that I asked for this report, a copy of which accompanies this dispatch.

I am [etc.]

RICHARD C. BUNDY.

[Inclosure—Extract.]

The American Military Attaché to the American Minister.

AMERICAN LEGATION,
Monrovia, October 9, 1912.

SIR: I have the honor, pursuant to your request, to make a report on the present state of the Liberian Frontier Force, the connection and doings of the American officers therewith, and their progress in its reorganization, as follows:

These officers, three in number, arrived here May 1, 1912, and were given sleeping rooms in a furnished house by the President, and have taken their meals at my mess.

The first week after their arrival they made an official call upon the President in company with the American Minister and myself. The next day a similar call was made upon the Secretary of War. To both the President and the Secretary of War these officers expressed their willingness to go immediately to work. But they were informed that their commissions would be first issued, and that they would thereafter be duly notified as to the pleasure of the Secretary of War in this regard. The Liberians, following the custom of all tropical peoples, are given to tedious delays. Accordingly the issue of the commissions to these officers was delayed until the end of the month, and thereafter nothing was given them to do until nearly two months later. Fortunately I had upon arrival laid out a course of study for them, which they took up and thus broke the tedium of waiting.

In the month of June, pursuant to the request of the President and the Secretary of War, I drew up a plan for the complete rehabilitation of the Frontier Force, which force, upon all sides, was confessedly demoralized and the soldiers of that part of it which were at the camp and about town, their officers having lost complete control of them, were on the verge of mutiny. I found that they were neither fed nor paid. This nonpayment dates, for some of them, three years back. The money for their pay had been "jobbed" by the Interior Commissioners and their officers. Both the President and the Secretary of War were unable to tell the number of men, officers, or guns, or even the whereabouts of the forces. The Secretary of War frankly avowed that he was a preacher and knew nothing of his duties as Secretary of War, and that the portfolio had been thrust upon him. It would be thought that he would have welcomed someone to get the affairs of his office going for him, as he had only two assistants, neither of whom knew his duties as such. I volunteered my services to him upon this confession of his lack of knowledge of how to fit up his office and get things moving right. He seemed extremely glad of such proffer of my services, but aside from my rehabilitation scheme and making some tracings of frontiers and a model pay roll for him, he has delayed this office matter until this date. Although under the new scheme the Government would be saved money both in rations and clothing, there seems to be pressure being brought to bear somewhere to delay things and make the same "jobs" as of old with the resident foreign merchants in this regard. The noneffectiveness of the American loan agreement, a dislike of Americans, and the leaning toward the English on the part of many influential Liberians, all have contributed to the delay of things necessary to put this force fully on its feet, as I desire to see it. The commission of Colonel Lomax, as such in the force, has never been revoked. * * *

Despite the instructions given by letter by the President to the Secretary of War to that effect, Major Ballard is only tacitly in command of the entire force, his instructions from the Secretary of War being that he was to assume charge of Camp Johnson and the troops there according to the scheme submitted. It should be here stated that the President of the Republic has shown every possible interest in the plan for rehabilitation of the force, and has lent all encouragement possible, so far as the exigencies of his position would permit. The failure of the American loan to go into effect has paralyzed his plans, and has had a depressing effect generally upon every project for the betterment of the country. Still they are waiting and hoping for the new receivership, and allowing the undertaking of everything not absolutely obligatory to delay from month to month.

The American officers have received, all told, since coming into the Liberian service last March, less than $200 American gold each; and it must be borne in mind that living expenses are perhaps greater here than anywhere else in the world. Everything in the way of staple foodstuffs must be imported into the country; bread, butter, meat, sugar, coffee, tea, milk, sometimes even cabbage and potatoes. Add to this the fact that these officers have families in the United States, it can be felt how very discouraging are the circumstances under which they have had to work. They were, by terms of their contract, to be paid by the General Receiver, and what they have received has been through his kindness in making overtures to the Secretary of the Treasury.

The trip of Captain Brown into the interior with Secretary Morris; the taking over, reenlistment and reorganization of the Frontier Force, and the training and bringing some order into it by Major Ballard, assisted by Captains Brown and Newton; the second trip of Captain Brown, in August, from Grand Bassa to the interior, under the most trying circumstances, and where he now is with 52 men; the replacing of the mutinous troops commanded by a worthless and disobedient officer at Cape Palmas by Captain Newton, with 100 men, in the month of September; the preparatory departure of Major Ballard for the different frontiers with 100 more, are some of the things accomplished by the American officers which mark the progress made in its reorganization. I submit that this is much, with soldiers that were not really such formerly, but, rather, a set of brigands under officers who were wholly without professional knowledge and who were alone bent on plundering the people.

The force at present consists effectively of a battalion having three American officers (one major commanding and two captains commanding the companies), four Liberian lieutenants (of doubtful efficiency), and a rank and file of 354 enlisted men. There are about 400 Mauser carbines and a very little ammunition in the hands of the force at present.

The force lacks much yet in the shape of getting it supplied from its regular staff departments conducted with system and according to business methods. It must have guns and ammunition, regular pay, food and clothing; it must have sufficient material for officers who have at least ability to read and write well, good bodies, good common sense, and good intentions. There is a dearth of men from whom to make such officers in the Republic. The old Liberian officers of the old force can not be trusted in it again for service, either on the frontiers or elsewhere. I believe the future officers must come from young men of perfect honesty and having the other qualities before mentioned. Again the separation of the military officers from the purely simple functions of commissioners is a thing that must be brought about right early. Such a dual position is altogether damaging to the Republic, in that it places too much authority in the hands of the same man and brings about the oppression of the tribesmen who are to-day the best asset to the Republic. These officer-commissioners have stolen from the natives their women and children, killed their men, purloined their food, ivory and other possessions; and have in general brought about all the dissensions and wars waged on the frontiers, together with the defection of the natives. The reforms needed in this regard will never and can never be brought about unless the United States undertakes it, and the loan agreement goes into effect.

Pursuant to the spirit of my orders, my connection with the force has been that of helper and adviser. I have done everything short of taking actual command of troops in aiding this reorganization. I can promise everything for it if the American loan agreement goes into operation. If the loan doesn't take place, I submit that but little can be hoped for either with respect to the force or anything else that looks to the betterment of things in the Republic. * * *

No man can lift himself by his own boot-straps, neither can a nation or people. Liberia must be essentially and materially aided, and that right early, or we shall all be made ashamed, while the English, French, and Germans rejoice at our weakness and discomfiture.

Roads must be built, the country explored and surveyed, and I can only see the United States charged with the direction of these things, if they are to be accomplished, for Liberia has not the means nor the men to do so.

I am [etc.]

CHARLES YOUNG,
Major, 9th Cavalry.

FINANCIAL AFFAIRS.—CONCLUSION OF THE REFUNDING LOAN OF 1912, TO REFUND THE REGISTERED EXTERNAL AND INTERNAL DEBT OF LIBERIA AS OF DECEMBER 31, 1910.—CONSTITUTION OF THE CUSTOMS RECEIVERSHIP.[1]

File No. 882.51/286.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 11, 1912.

Disquieting rumors have reached New York bankers of continued deterioration of Liberian finances, concerning which a full and frank statement is necessary if the loan is not to be imperiled. Mail to Department as full a statement as possible of receipts and expenditures during last twelve months, especially as to what additions have been made to the floating debt of Liberia certified on December 31, 1911.

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[1] Continued from For. Rel. 1911, pp. 342–347; see also the references in the "Message of the President," ante, page xxiii.

KNOX.

File No. 882.51/287.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Monrovia, January 13, 1912.

Your telegram of 11th instant. Investigation shows an increase of duties collected and larger importations. Treasury report for fiscal year ending September 30, 1911, shows receipts from all sources $478,000; disbursements, $490,000. Floating debt since the finding of the Debt Commission, $201,000. These are the latest authentic figures available. The disquieting rumor was caused by those who would reap large profits from danger to or failure of the loan. The General Receiver's presence would stop further misrepresentation, and he is anxiously expected by the Government, which has absolute confidence in its ability to meet the requirements of the new loan.

CRUM.

File No. 882.51/287.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 17, 1912.

Your cable of January 13 makes no explanation of the enormous increase of $200,000 in the floating debt since January 1, 1911, which Department regards as conclusive evidence of extravagance and bad management. The Loan Act makes no provision for the payment of any new debt; the present one will result in serious embarrassment and may constrain the Government of the United States to withdraw its sanction of the loan agreement, especially if the debt is increased.

KNOX.

File No. 882.51/289.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Monrovia, January 23, 1912.

Your telegram January 17. The increase of the floating debt is explained to me as follows by the Government: (1) The Debt Commission's findings did not include all claims against the Government to December 30, 1911, by $54,000 (estimated), withheld by merchants and others, and included in the floating debt. (2) Drafts amounting to $35,000, and returned as paid, were not received in time to be credited in the fiscal report. (3) Large expenditures were required to equip expeditions to quell boundary disorders. The real debt for the year was $111,000. The Legislature contemplates issuing certificates of indebtedness to liquidate floating debt, with the interest and redemption fund chargeable to internal revenue. Retrenchment and reform measures have been introduced.

CRUM.

File No. 882.51/290.

The Secretary of State to Dr. Roland P. Falkner, Financial Representative of the Republic of Liberia.

DEPARTMENT OF STATE,
Washington, January 26, 1912.

SIR: Referring to previous correspondence relative to the negotiations for the rehabilitation of the finances of Liberia, you are informed that a note has been received from the French Ambassador at this capital in which he advised the Department that his Government has appointed Mr. Frédéric Wolf, Deputy Colonial Administrator of the Second Class, as the French Receiver of Liberian Customs, in accordance with the provisions of the Liberian Loan Agreement.

I am [etc.]

P. C. KNOX.

File No. 882.51/297.

The Acting Secretary of State to Dr. Falkner.

DEPARTMENT OF STATE,
Washington, February 23, 1912.

SIR: The Department has received your letter[1] of the 15th instant in which you state that on January 11 last you addressed a letter[1] to the President of Liberia advising him that the terms of settlement proposed by the bankers who are to finance the Liberian Loan should be announced to the holders of the internal debt certificates, and that they should be given a period of two weeks within which to signify their acceptance of the terms proposed. You also state that you have received a cable from the President of Liberia notifying you that these terms of settlement have been accepted.

In reply you are informed that the Department on the 16th instant sent a cablegram to the American Minister at Monrovia which reads in substance as follows: President Howard's cable has been received by Dr. Falkner, and the Department is gratified to learn that the Government of Liberia accepts the terms of settlement proposed; but the acceptance of terms by individual creditors is also needed. The terms of settlement should be communicated to each holder of internal debt certificates in accordance with Dr. Falkner's letter dated January 11, 1912, with notice that terms should be accepted within period specified. A uniform form of acceptance should accompany each notice.

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[1] Not printed.

The American Legation was also instructed to cable the Department what per cent of total registered amount of each class of debt is represented by creditors who accept terms.

I am [etc.]

HUNTINGTON WILSON.

File No. 882.51/303B.

The Acting Secretary of State to Messrs. Kuhn, Loeb & Co.

DEPARTMENT OF STATE,
Washington, February 29, 1912.

GENTLEMEN: In confirmation of the Department's telegram to you of this date,[1] I will say that a letter[1] has been received from Dr. Roland P. Falkner, Financial Representative of Liberia, inclosing copies of the revises of the several Liberian loan agreements, dated February 23, 1912. Dr. Falkner also incloses copy of his letter to you[1] confirming the last amendments to the contracts.

The Department has examined the agreements as now amended in accordance with suggestions made by you and by Dr. Falkner. In their present form they appear to be satisfactory to the Department. We shall depend upon you to communicate them to the Governments concerned through the other bankers, and also to send us copies to give, as a matter of courtesy, to the French, German and British Embassies here.

It is hoped that it may be your pleasure to have Dr. Falkner come to New York City at an early date in order that the agreements may be signed.

I am [etc.]

HUNTINGTON WILSON.

File No. 882.51/307A.

The Acting Secretary of State to the Special Representative of Dr. Falkner.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 7, 1912.

Mr. ROBERT P. SKINNER,
American Consul General, Hamburg, Germany:

You are to be detailed for not exceeding two months as Special Representative of Dr. Roland P. Falkner, Financial Representative of Liberia. Cable whether you can meet Reed Paige Clark, General Receiver of Customs of Liberia, at Embassy in London on March 25, who will have full instructions.

WILSON.

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[1] Not printed.

File No. 882.51/307B.

The Acting Secretary of State to the American Minister.

[Telegram—Extract.]

Department of State,
Washington, March 12, 1912.

All loan agreements signed March 7. General Receiver Reed Paige Clark sails 14th for Europe and expects to reach Monrovia about May 1.

Negotiations with creditors in Europe will be undertaken by Mr. Robert P. Skinner, American Consul General, Hamburg, as Special Representative of Falkner, immediately upon Clark's arrival in London.

Wilson.

File No. 882.51/308C.

The Acting Secretary of State to the Ambassador of the French Republic.[1]

Department of State,
Washington, March 13, 1912.

Excellency: I have the honor to enclose herewith for your information a copy of the loan agreement[2] between the Republic of Liberia and the bankers, for the refunding of the Republic's bonded debt, which was signed on the 7th instant. A duplicate original of this loan agreement will be transmitted to the French Government through the diplomatic representative of Liberia to the Republic of France.

Accept [etc.]

Huntington Wilson.

File No. 882.51/313B.

The Acting Secretary of State to the American Minister.

[Telegram—Extract.]

Department of State,
Washington, March 27, 1912.

Falkner has received notice that the Liberian Government will probably default on interest of the 1871 loan unless he secures aid. He has been unable to do so. Bankers can not understand why, with the receipts as reported, the Government has not provided for this payment. They are skeptical as to whether correct reports of receipts have been made. They want statement of receipts in the last six months, and also want to know whether receipts reported for the last fiscal year were actual cash receipts. Immediate action necessary, as bankers have suspended further action pending such report. Impress upon the Government that this matter is urgent and vital to the continuation of the loan negotiations.

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[1] Mutatis mutandis to the Ambassador of Great Britain and the German Ambassador.
[2] Not printed.

WILSON.

File No. 882.51/318C.

The Acting Secretary of State to the Special Representative of Dr. Falkner.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 27, 1912.

Referring to yesterday's cable,[1] Liberian Government is probably about to default on interest on 1871 loan due April 1. If this should occur it will change the situation as regards negotiations with bondholders. Have cabled Monrovia for explanation; until this is received you will await in London further instructions from Department. In Department's opinion this situation means merely slight delay and need not interfere with the plans of General Receiver Clark.

WILSON.

File No. 882.51/314.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, March 28, 1912.

Department's March 27. Liberian Government to-day cabled £1,700 to their Consul General at London in payment of interest on 1871 loan. Investigation desired by bankers is proceeding on lines indicated by the Department.

CRUM.

File No. 882.51/319.

The Ambassador of the French Republic to the Secretary of State.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, March 30, 1912.

MR. SECRETARY OF STATE: The loan contract signed by the Republic of Liberia with a group of foreign bankers, of which your excellency was pleased to communicate a copy to me in your letter of the 13th instant, provides for the appointment of a general receiver of customs designated by the Government of the United States, and three receivers designated by the British, German, and French Governments.

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[1] Not printed.

As the said contract does not specify the residence of the several receivers, but on the other hand stipulates that in cases of absence or disability of the general receiver, that officer will be replaced by the receiver residing at Monrovia or the place nearest the capital, my Government asks that the office of receiver of the port of Monrovia or, if there be no receiver at that port, the office, no matter where, whose incumbent will be called upon to act as general receiver in the absence of the last-named officer, be successively assigned to each one of the three receivers for a definite term.

Under the instructions I have received from the Minister for Foreign Affairs of the Republic, I have the honor to lay before your excellency this request of the French Government, which has, no doubt, in view of its object, which is to place all interested parties on a footing of perfect equality, of its gaining the approval and support of the Federal Government.

Accept [etc.]

JUSSERAND.

File No. 882.51/322.

The General Receiver to the Secretary of State.

[Telegram.]

LONDON, *April 5, 1912.*

I understand from Falkner's memorandum[1] that German Receiver must be stationed permanently at or near Monrovia. Attitude here, as stated by Minister Cromelin, is that receivers should rotate, and that any other arrangement would be unfortunate. Am convinced that agreement affecting German Receiver would necessarily become public eventually, and that effect of such agreement would be to split receivership into two factions, thus making success difficult. Await instructions in the premises.

CLARK.

File No. 882.51/322.

The Acting Secretary of State to the General Receiver.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 8, 1912.

This Government stated to German Ambassador in July last that its intention was to cause the General Receiver to designate Monrovia as residence of German Receiver. Nothing was said as to duration of such designation. The French Government now asks that receivers be successively assigned for fixed periods to Monrovia, the receiver at which place is to assume the duties of General Receiver when the latter is absent. This seems equitable, and the subject of giving the German Receiver the first term at Monrovia can probably be worked out in due course through consultation of the four Governments with the Government of Liberia. This must be discreetly handled and should be arranged after you have been some time at Monrovia and the whole arrangement and the receivership has been installed.

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[1] Not printed.

HUNTINGTON WILSON.

File No. 882.51/323.

The Special Representative to the Secretary of State.

[Telegram.—Paraphrase.]

LONDON, *April 9, 1912.*

Department's March 27. Creditors are pressing me for prompt settlement, as it is stated here that the interest has been paid.

SKINNER.

File No. 882.51/323.

The Acting Secretary of State to the Special Representative.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 9, 1912.

Your April 9. Department learns from the Minister at Monrovia that the Liberian Government cabled £1,750 to pay interest on 1871 loan, on March 28, to the Liberian Consul General at London. But the Department's instructions of March 27 are for the present not changed thereby.

WILSON.

File No. 882.51/361.

The German Ambassador to the Secretary of State.

[Memorandum.]

The French Government has, through its Embassy in Berlin, expressed to the Imperial Government the desire that the post of receiver at Monrovia, or, if there should be no receiver at this port, the post of the receiver who will be entitled to replace the General Receiver during temporary absence, should in turn be given to the receivers appointed by Germany, England, and France.

The Imperial Government intends answering the Embassy:

(1) that according to the loan agreement (article 4a, par. 3, phrase 1) the General Receiver, who is appointed by the President of the United States, is to direct the Receivers and therefore has the right to assign them to the different places;

(2) that the Government of the United States has, prior to the conclusion of the agreement, given the assurance that it would, owing to Germany's large share of trade in Liberia, cause the General Receiver to designate Monrovia as the residence of the German Receiver;

(3) that the claim of the German Receiver to residence in Monrovia and to the right of representing the General Receiver, which the agreement has combined with the residence in this port, was for the German bankers and merchants an essential condition for their taking part in the loan and can therefore now not be given up by the Imperial Government.

The Imperial Government would be very much obliged for an answer, whether the Government of the United States sees any objection to such a reply being given to the French Embassy in Berlin.

GERMAN EMBASSY,
Washington, April 22, 1912.

File No. 882.51/350.

The Acting Secretary of State to the Special Representative.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 6, 1912.

Department's March 27 and April 9. The bankers are satisfied with the report from Monrovia, and you may now proceed with negotiations with the bondholders.

WILSON.

File No. 882.51/319.

The Acting Secretary of State to the Ambassador of the French Republic.

No. 1014.]

DEPARTMENT OF STATE,
Washington, May 15, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of the note upon a point connected with the loan contract between the Republic of Liberia and a group of American bankers and British, French, and German bankers, which your excellency addressed to the Secretary of State March 30, and which has been receiving most careful consideration, as I had the honor to indicate to your excellency in conversation on the 9th instant, in connection with other considerations entering into this Liberian arrangement which the Government of the United States has so much at heart.

As your excellency points out, the contract provides for nomination of a General Receiver of Customs by the Government of the United States and of three Receivers of Customs, one each by the Governments of France, Germany, and Great Britain, and provides also that during the absence or inability to act of the General Receiver, or during a vacancy, the receiver located at or nearest Monrovia shall act as General Receiver. Your excellency then communicates the suggestion of the Government of France that this incidental duty be given in turn and for a fixed period to each of the three Receivers of Customs, at the same time expressing the view of your Government that such an understanding would contribute to a régime of complete equality amongst all the interests affected by the question thus raised.

As your excellency is well aware, the earnest aim of the Government of the United States has been the discharge of its historic obligations to the Republic of Liberia—a moral purpose to the accomplishment of which it has been willing to give perhaps disproportional efforts. It has been peculiarly gratifying to have in this work the cooperation of British and French bankers and of two Governments whose neighboring territorial interests have made their assistance so valuable. The cooperation of Germany, whose commercial interests undoubtedly predominate at the present time, was likewise welcome; and it is a cause of much satisfaction to the United States to contemplate the success of this whole plan as now so nearly achieved.

As your excellency is aware, the negotiations of the past two years have not been without difficulties. It has been the steadfast purpose of this Government to pursue perfect equality of consideration among the Governments and the Nationals whose cooperation we so highly value. To this end, for example, when the Government of France made the settlement of its boundary controversy with Liberia a condition precedent to its approval of the contract and imposed the additional condition that the French surgeon in the employ of Liberia should be retained, the Government of the United States, as is well known, used its good offices, both directly and indirectly, to cause Liberia to meet the demands of France. Similarly this Government brought Liberia to settle the northwest boundary dispute with Great Britain in accordance with the desires of that Government.

It will be recalled that when the Government of the United States initiated the steps which have led to the present arrangement, there was on foot and not without some prospect of consummation, a plan for the relief of Liberia through a financial reorganization under German auspices which would incidentally have given a particularly advantageous position to the German interests in that country. When the arrangement proposed by the United States was brought forward, this earlier plan was no longer pressed, but it was evidently felt that German interests, being purely commercial and largely centered at Monrovia, should in turn receive a certain measure of special consideration, the more so, no doubt, because the Imperial German Government, after timely acquiescence in the abandonment of the plans of the German bankers and in accepting in general terms the proposition of the United States had, after a full interchange of views, relinquished a number of points which it originally deemed of importance and yielded to the views of the United States on matters which the American Government deemed essential to the plans in which the Governments of France and Great Britain had already joined their efforts to our own.

The General Receiver of Customs, although of course an official of Liberia, is nominated by the Government of the United States and so is, without doubt, measurably under the influence of this Government. According to the loan contract the three Receivers are to act under the direction of the General Receiver. Doubtless having in mind these provisions, the Imperial German Government in July, 1911, in approving the draft loan agreement, expressed the expectation that, owing to Germany's large share of the trade of Liberia, the General Receiver would place the German Receiver at Monrovia.

Recognizing the relatively greater centering at Monrovia of the, at present, preponderant commercial interests of the German Empire in Liberia, and reflecting upon the whole course of these negotiations, your excellency can hardly be surprised that the Government of the United States was not unimpressed by the equity of this suggestion. Apart from the fact of substitution in the absence of the General Receiver, the post of Receiver at Monrovia might be regarded as less desirable in many respects than those at other ports. For example, that officer would have less scope for independent action, being more directly under the supervision of the General Receiver. The Government of the United States would always expect the General Receiver to be guided in the exercise of his authorities by all equitable considerations, but appreciating the fact that in the first instance the General Receiver would not be cognizant of all the circumstances, the Government of the United States did not hesitate to express the opinion that, under present conditions, it would be equitable and proper that the German Receiver should be designated for the post at Monrovia. I may add that the propriety of such a course seemed to be accentuated by the fact that in approving at this time this slight preference to the representative of the German Government, in so far as the action of the General Receiver is concerned, the Government of the United States was availing of the only opportunity which had occurred for any special consideration of Germany, whereas other occasions had been offered and availed of in which this Government was able to manifest its consideration in matters more intimately concerning the Governments of France and Great Britain.

I am very sensible of the fact that, looked at apart from the history of the negotiations, the proposal of your excellency's Government appears a peculiarly equitable one; and I think it quite possible that at some later date conditions may be so altered as to lead to another arrangement. Still, in the present circumstances, I must adhere to the view that it is not unfair that the German Receiver be assigned to the post at Monrovia.

As to another point which I had the honor to discuss with your excellency last Thursday, I take this opportunity to reiterate my concurrence in the view of your excellency's Government that in objecting to the German Consul as a Receiver the Liberian Government should have the support of the other Governments concerned, and I might add that instructions in this sense have been sent to the Legation at Monrovia.

Having thus elaborated and supplemented what I sought to explain to your excellency in the course of our conversation, I permit myself in conclusion to express the confident hope that the Government of the United States, which has so much at heart the success of the Liberian plan, may count upon the collaboration of the French Government in meeting these really not very important questions and in certainly preventing them from affecting the success of a project upon which we have so successfully cooperated.

Accept [etc.]

HUNTINGTON WILSON.

File No. 882.51/361.

The Acting Secretary of State to the German Ambassador.

No. 656.] DEPARTMENT OF STATE,
Washington, May 15, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of the confidential memorandum of the 22d ultimo in which your excellency was good enough to indicate the gist of a communication from the French Government and of the proposed reply and at the same time to express the desire of the Imperial German Government to consult the Government of the United States as to the latter.

Without venturing any comment upon the terms of paragraph 2 of the proposed reply of the Imperial German Government, which is designed to reflect the attitude of the Government of the United States, upon the subject of the location of receivers of customs in Liberia, and in order that your excellency's Government may be the more fully and frankly informed of the views of the American Government, I have the honor to enclose herewith for the confidential information of your excellency's Government copy of the reply of the Department to a representation on the part of the Government of France.[1] I may add that a copy of the same communication has been transmitted to the British Government, which has manifested an interest in the point under discussion, in order that the views of the United States may be equally known to the three Governments immediately concerned in the subject of your excellency's memorandum.

Accept [etc.]

HUNTINGTON WILSON.

File No. 882.51/361.

The Acting Secretary of State to the American Minister.

No. 27.] DEPARTMENT OF STATE,
Washington, May 15, 1912.

SIR: Referring to Mr. Reed Paige Clark's cable from London of April 5 and the Department's telegraphic reply of April 8, 1912, upon the subject of the designation of the three Receivers to the different customs posts in Liberia, I transmit herewith for the confidential information of your Legation and Mr. Clark, duplicate copies of the correspondence on this subject recently exchanged by the Department with the German and French Ambassadors at this capital.[2]

I am [etc.]

HUNTINGTON WILSON.

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[1] The note of May 15, supra.

[2] All the inclosures with this instruction are printed, ante, in their chronological order; they are: The note from the French Ambassador, March 30; the memorandum from the German Ambassador, April 22; the Department's reply to the French Ambassador, May 15; the Department's reply to the German Ambassador, May 15.

File No. 882.51/377.

The Secretary of State to the Financial Representative of Liberia.

DEPARTMENT OF STATE,
Washington, May 18, 1912.

SIR: Referring to previous correspondence relative to the negotiations of Mr. Skinner with the European creditors of Liberia, you are advised that a telegram dated the 17th instant[1] has been received from Mr. Skinner asking that you be given the following information:

Agreement ninety-five, 1871 bonds, certificates, thirty-nine hundred and twelve pounds, ten shillings, cash or bonds, holders' option, council itself receiving one per cent additional to effect transaction and paying expenses thereof. Erlanger[2] requires application contract, three months' notice, this proviso stated on bonds. Will withdraw collector on deposit anticipated payment, recommending that bondholders accept new bonds if issued publicly.

A telegram dated to-day has been received from Mr. Skinner in which he states that a slight extension of 60 days will probably be necessary to conclude negotiations in England and Holland. The Department proposes to reply to Mr. Skinner's later telegram, unless you offer some reason to the contrary, by saying that while it expected that a slight extension will be necessary, the Department hopes that in view of the fact that Mr. Clark expects to take active charge of his office on July 1, Mr. Skinner may conclude his negotiations at as early a date as possible.

I am [etc.]

P. C. KNOX.

File No. 882.51/398.

The Special Representative to the Secretary of State.

[Telegram.—Paraphrase.]

HAMBURG, *June 22, 1912.*

Liberian loan negotiations have been concluded. German creditors will accept 90 for their scheduled debts, after payment of which the same terms for subsequently created debts. The bankers should provide for prompt disbursement if they are satisfied.

SKINNER.

File No. 882.51/399.

The Financial Representative of Liberia to the Secretary of State.

WASHINGTON, *June 22, 1912.*

SIR: The Department has communicated to me unofficially the substance of a cablegram received from Mr. Skinner in regard to the debts of the German merchants. I note the fact that the German merchants request the same settlement for debts created since December 31, 1910, as for those in existence at that time as nominated in the schedule.

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[1] File No. 882.51/376.

[2] In behalf of loan of 1906-7.

I am sure I do not know whether this can be done, but if the proceeds of the loan are adequate to meet this amount I should personally use every effort to wipe out these debts so as to have the receivership start with a clean slate. I would respectfully urge that Mr. Skinner be authorized to intimate that if it can be done under the contract, the Financial Representative would urge the Liberian Government to settle these later debts. A first step toward so doing would be the ascertainment of their amount.

I was informed yesterday by telephone by Mr. Warburg that there was a claim of the German Post Office against the Liberian Government in the amount of about $12,000. I concur in Mr. Warburg's view that if possible under the contract to settle this debt it would be wise to do so. I would therefore respectfully request that Mr. Skinner be authorized to inquire into the nature and amount of this claim.

I have [etc.] ROLAND P. FALKNER.

File No. 882.51/399.

The Acting Secretary of State to the Special Representative.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 25, 1912.

Your June 22. Falkner assumes that you have promised nothing concerning debts not scheduled, as he does not know whether they can be settled out of the proceeds of the loan, but if it is possible he will urge such settlement. You will so state to the German creditors and you will if possible ascertain the amount of such debts growing out of direct relations of the firms to the Government, but not including Government paper which they have discounted for individuals.

There is a claim by the German Post Office against the Liberian Government not included in schedule, the nature and amount of which you will ascertain; Falkner will try to have it settled from the loan proceeds if possible.

WILSON.

File No. 882.51/400.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, June 25, 1912.

Clark, General Receiver, awaits official notification that loan is effected by July 1 before taking steps to assume control of revenues.

CRUM.

File No. 882.51/400.

The Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 29, 1912.

Your June 25. Receivership can not enter into full operation until terms of settlement are approved by bankers and the bonds definitely issued. It is recommended that the receivership be established in form on July 1. Receivership could be constituted and given all functions provided in the contract not inconsistent with the collection of revenue under the present Erlanger agreement, provided that on withdrawal of the collectors appointed under Erlanger agreement the customs receivership should enter into all of the functions provided by the contract.

KNOX.

File No. 882.51/405.

The Secretary of State to Messrs. Kuhn, Loeb & Co.

DEPARTMENT OF STATE,
Washington, July 10, 1912.

GENTLEMEN: In accordance with the request of Dr. Roland P. Falkner, Financial Adviser of the Republic of Liberia, the Department urged upon the Government of Liberia the formal establishment on July 1 of the Receivership provided by the loan for the rehabilitation of the finances of Liberia. It is learned from the reports received from Monrovia that this proposition was favorably considered by the Government of Liberia which was disposed to act in the manner suggested. It appears that a conference of the Liberian Cabinet with the Chief Inspector of Customs, Mr. R. Sharpe, and the future General Receiver at Monrovia, Mr. Reed Paige Clark, was held at once and reached the opinion that the functions of the new Receivership were inconsistent with the terms of the Erlanger agreement. It further appears that Mr. Sharpe, who has been designated as British Receiver, but who has not yet received his commission, is opposed to the assumption of duties as General Receiver by Mr. Clark before the loan is concluded and bonds issued and it is to be inferred that Mr. Sharpe holds to a literal interpretation of the Erlanger agreement that moneys received by him on account of the Liberian Government shall after satisfaction of the Erlanger loan series be paid directly to the Liberian Government and not to any other body.

While the Department has urged the establishment of the Receivership in form it has not felt very strongly that this was in any way an indispensable requisite to the continued execution of the loan contract and it is of the opinion that under existing circumstances the only establishment of the Receivership possible would have been a mere declaration that the Receivership existed, leaving to a future date the inauguration of operations. Such an action, however, would be obviously a formality that the Department can not believe it to be in any way vital.

The Department has expressed to Mr. Clark that there can be no real authority conferred upon the Receivership until the actual issue of the bonds provided in the contract.

I am [etc.]

P. C. Knox.

File No. 882.51/412A.

The Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, July 11, 1912.

Inform Clark negotiations in Europe promise successful results and bankers expect to issue bonds as soon as formal authority for their execution is received from Monrovia. Papers to be signed were mailed here by Falkner June 15. Bankers have prepared form of provisional bonds and will execute them without delay when authorizations requested have been received.

Knox.

File No. 882.51/411.

The Special Representative to the Secretary of State.

[Telegram.—Paraphrase.]

Hamburg, *July 11, 1912.*

Falkner should be informed that interest at five per cent is demanded by the creditors from July 1.

Skinner.

File No. 882.51/413.

The Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, July 12, 1912.

Grave embarrassment must ensue unless Liberia makes provision immediately for the retention of monthly sums due Fiscal Agent under loan agreement, which will go into effect as of July 1, 1912. If full receivership not established, have Clark enter into these functions of General Receiver. Insist that Government make the necessary reservations from current income and that these sums be turned over to Clark for eventual transmission to Fiscal Agent.

Knox.

File No. 882.51/417.

The American Minister to the Secretary of State.

[Telegram.]

American Legation.
Monrovia, July 16, 1912.

Department's July 12. Liberian Government will place monthly sums to Clark's credit provided assurance is given that no interest on outstanding loans will be required after June 30.

Crum.

File No. 882.51/417.

The Acting Secretary of State to the American Minister.

[Telegram.]

Department of State,
Washington, July 19, 1912.

Your July 16. Inform Clark that interest on old loans will continue to run until date of eventual adjustment, but that bankers are obligated to pay at time of purchase of new bonds accrued interest thereon from July 1, 1912. If Liberian Government places sums due by new loan agreement to Clark's credit, no other payment of interest will be necessary. Reservations under Erlanger agreement can not be discontinued until that agreement is cancelled. When this is done by conversion or payment of Erlanger bonds, the sums reserved will not be paid as interest, but will revert to Liberian Government.

Adee.

File No. 882.51/418.

The Chargé d'Affaires of the French Republic to the Secretary of State.

[Translation.]

Embassy of the French Republic,
Washington, July 19, 1912.

Mr. Secretary of State: Mr. Jusserand did not fail to forward to the Government of the Republic your excellency's letter of May 15 last relative to the assignment of the post of Monrovia to the German Receiver of Liberian Customs who would, as a result, act for the American General Receiver in the latter's absence.

The President of the Council, Minister for Foreign Affairs, informs me that after acquainting itself with that communication, the French Government readily concurs in the view of the Federal Government and, that, in compliance with the wish expressed by your excellency, it will do nothing to check the reforms to be carried out in the Republic of Liberia as mapped out by the United States.

Mr. Poincaré, however, can not refrain from noting that this assignment of the Monrovia post to the German Receiver does away with the equality the Federal Government was intent on maintaining in its entirety between France, Great Britain and Germany as far at least as their representation in the supervision of Liberian customs is concerned. The result is that the conditions under which the Government of the Republic joined in the aforesaid scheme of reforms have been materially modified.

In consideration of the detriment suffered from this disturbance of the equipoise, in which it acquiesces, my Government hopes that the Federal Government will kindly admit the propriety of granting to France, when the time comes, by way of compensation for the advantage conceded to Germany, such facilities as may be required for a rectification favorable to us of the boundary line laid down by the Franco-Liberian agreement of 1911.[1] Pourparlers have already been opened on the subject at the request of and on the bases indicated by the representative of Liberia at Paris.

The Government of the Republic further hopes that the Government of the United States will be in favor of having the post nearest to the Franco-Liberian boundary assigned to the French Receiver of Customs.

I should be thankful to your excellency if you would kindly enable me to transmit to Mr. Poincaré the assurance that, on these points, the Government of the United States will act as desired by us.

E. DE PERETTI DE LA ROCCA.

File No. 882.51/421.

The American Minister to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Monrovia, July 29, 1912.

Written statement has been made by Lange that he will not resign until after receivership has been actually established, and he has held post of Receiver and Vice Consul together for some time. This caused Liberian Government to instruct Dinklage, Liberian Chargé d'Affaires at Berlin, by mail July 17, to urge again German Foreign Office to withdraw Lange's appointment as Vice Consul. Should this fail he is to intimate to German Foreign Office that Liberian Government will be compelled to revoke Lange's exequatur whenever receivership becomes actually operative.

CRUM.

File No. 882.51/422.

AMERICAN LEGATION,
Monrovia, July 31, 1912.

Department's July 19. Under bank agreement, Erlanger's interest for current quarter will be advanced to Sharp August 15 for immediate transmission. Clark urges that bankers arrange with Erlanger to hold advance here, or, failing this, he be permitted to offset payment against interest on new loan. Receivership crippled if Liberian Government forced to pay double interest. Ready money imperatively needed.

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[1] See For. Rel. 1911, page 842.

CRUM.

File No. 882.51/422.

The Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1912.

Letters of authorization having been received, the loan issue should now proceed rapidly. Meanwhile it is impossible to prevent, provisionally, double payment of interest. Until the Erlanger loan is finally terminated, remittance must be made as usual. This advance will ultimately be returned to Liberia. Double payment is provisional only.

KNOX.

File No. 882.51/434.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, August 19, 1912.

Department's August 14. Clark requests me to say have $7,000 gold July account, balance payable on receipt of further July returns from out ports. Erlangers paid 15th. Interest 1871 loan due September. Liberian Government states compelled to offset all payments account outstanding loans against further payments to fiscal agents. Liberian Government can not understand, if assurance that payments outstanding loans will be returned is expected to be satisfactory to it, why bankers will not accept an assurance that these moneys will be paid them when returned.

Monrovia revenues pledged for bank advance. Only revenues out ports available and inadequate supervision prevents collection of full amounts in gold though marked improvement shown. Revenues of all ports decrease in rainy season.

Liberia can easily meet all charges contemplated in refunding loan agreement but under present conditions probable that gold revenues collected will be insufficient to pay double interest and urgent current expenses. Double interest demand works hardship upon Liberia and is unjust to foreign officials who can not exist indefinitely without pay.

CRUM.

File No. 882.51/439.

The German Chargé d'Affaires to the Acting Secretary of State.

GERMAN EMBASSY,
Newport, R. I., August 23, 1912.

MY DEAR MR. WILSON: Permit me to call your attention to the following information which I have just received from Berlin:

Mr. Lange, the German Consul at Monrovia, Liberia, has spontaneously declared his intention to retire from the German consular service as soon as he should enter upon his duties as customs receiver at Monrovia. My Government, favoring his decision, advised the Liberian Government accordingly. The Liberian Chargé d'Affaires at Berlin, however, has now addressed the formal demand to my Government that Mr. Lange retire from the German consular service *before* he takes up his duties as receiver, adding that otherwise Mr. Lange would be denied the exequatur as consul to the Liberian Government, because the English and French receivers would also claim consular authority, which double functions might cause conflicts.

It would certainly be harmful to the status of all great powers in Liberia if my Government should yield to such demands. Besides, Mr. Lange will only temporarily hold both offices, viz, until a suitable successor can be found and appointed German consul at Monrovia.

My Government would not object to other receivers holding consular positions. There is also no fear that this might lead to conflicts, since other international arrangements have successfully been made in which consuls hold similar positions, e. g., the International Financial Commission at Athens, the European Danube Commission, the Whangpoo Regulation at Shanghai, etc.

The German Government trusts that the Government of the United States shares this opinion and consequently will take the necessary steps to prevent the Liberian Government from adopting undue measures, as the denial of the exequatur to the German consul at Monrovia would be.

Thanking you [etc.]

HANIEL.

File No. 882.51/439.

The Acting Secretary of State to the German Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, September 11, 1912.

MY DEAR MR. HANIEL: I beg to acknowledge receipt of your note of August 23, stating that your Government has advised the Liberian Government of Mr. Lange's spontaneous declaration of intention to retire from the German Consular Service as soon as he should enter upon his duties as Customs Receiver at Monrovia. I note with pleasure this expressed intention of Mr. Lange to retire from the Imperial German Consular Service because it has from the first been the view of the Government of the United States, as already expressed to all the other Governments concerned, that the Receiver General and the Receivers of Customs, being alike officers of the Republic of Liberia, the preference of Liberia to refuse to recognize in that capacity persons who would hold the dual positions of customs officials and consular officers would be so reasonable as to enlist the moral support of the Government of the United States.

In your letter under acknowledgment you are good enough to inform me that the Imperial German Government, favoring the decision of Mr. Lange, has so advised the Liberian Government; that the Government of Liberia has asked, rather, that Mr. Lange's retirement from the Consular Service should precede his assumption of his duties as Receiver of Customs, making it a point that there should be no interim during which he would be recognized in both capacities. It is evident, then, that the question is merely one of whether Mr. Lange shall retire from his consular functions before or after entering upon his duties as Receiver of Customs.

I must say frankly that the Government of the United States is not inclined to share the view that it would be unobjectionable to establish a precedent for having consular officers also occupy posts as Receiver General or Receiver of Customs in Liberia and that this Government would find it difficult in these circumstances to view as unreasonable the substance of the position taken by the Liberian Government or to ask that Government to depart from the principle for which it is contending.

Since the Imperial German Government has declared its approval of Mr. Lange's intention to divest himself of his consular capacity upon his assumption of the receivership, I can only assume that what concerns your Government is merely the question of having a successor to Mr. Lange reach Monrovia to assume his consular functions before Mr. Lange is obliged to undertake his duties as Receiver of Customs. I therefore venture to suggest that if the Imperial German Government should find it convenient either temporarily to appoint some resident of Monrovia or promptly to send a new consular representative to Liberia, there could easily be avoided any considerable interregnum during which Germany need be unrepresented either in the receivership or in the Consular Corps at Monrovia.

In view of the extreme deference which, as you will readily recall, has been shown the Imperial German Government by the Government of the United States throughout the preliminary arrangements of this Liberian matter, I can not but feel confident that you will be good enough to bespeak your Government's cooperation in order that the receivership may now begin to function without any delay and that your Government in lending such cooperation will be glad to acquiesce in a purpose which the Government of the United States is so well known to have so much at heart.

I am [etc.]

HUNTINGTON WILSON.

File No. 882.51/418.

The Acting Secretary of State to the Chargé d'Affaires of the French Republic.

No. 1059.]

DEPARTMENT OF STATE,
Washington, September 11, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 19th of July, wherein the Department is informed that the Government of France readily concurs in the views of the Government of the United States in regard to acquiescence in the assignment at the present time of the German Receiver of Customs to duty at Monrovia.

I find it difficult, however, to share the present impression which the French Ministry for Foreign Affairs appears to have formed that either in spirit or in substance this present disposition is susceptible of interpretation as any departure from that substantial basis of equal cooperation upon which the Governments of the French Republic, of Germany and of Great Britain have joined their invaluable support to that of the United States in its effort to respond to its traditional relation to the Republic of Liberia.

I may be permitted to advert to the previous effective efforts of the United States to influence Liberia toward removing all causes of frontier inconvenience to France and to invite your attention to the resultant careful frontier delimitation so recently made by your own and the Liberian Governments, and understood to be satisfactory to all concerned.[1]

As to pourparlers, which you are good enough to inform me had been initiated at Paris upon bases indicated by the representative of Liberia, the Government of the United States trusts that with the recent appointment by Liberia of three former Army officers of the United States for the reorganization of the frontier police, and with funds from the new loan so near at hand for the carrying on of this work, disturbances along the boundary and the consequent inconvenience will disappear.

The Department would, moreover, be surprised to find the view seriously entertained that territorial compensation would be a proportionate counterpoise to a matter of no graver import than the present location of the respective Receivers. Furthermore, owing to the extreme importance of the prompt and speedy operation of the receivership, this Government would greatly deprecate the raising of any further questions of frontier rectification at this time. I need, in conclusion, hardly assure you that this Government, at some later date and with the opportunity for full knowledge of all the facts and circumstances, would be not averse to a discussion of the question whether any further rectification of the Franco-Liberian boundary would be equitable and reasonable and consequently fair to Liberia, in case the situation in that territory should reveal any conditions substantially detrimental.

As to the preference of your Government to having the French Receiver of Customs stationed at the post nearest the Franco-Liberian boundary, I can assure you that if such plan should meet with the acquiescence of the other Governments concerned and should give rise to no valid objection now unforeseen either on the part of the Liberian Government or on the part of those responsible for the efficiency of the receivership, the Government of the United States would be most happy to find in this further matter another opportunity to give its support to something regarded as desirable by the Government of the French Republic.

Counting upon you to assure the Government of France of the great importance attached by the Government of the United States to the prompt operation of the receivership, I avail [etc.]

HUNTINGTON WILSON.

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[1] For. Rel., 1911, p. 345.

File No. 882.51/439.

The Acting Secretary of State to the American Ambassador to France.

No. 54.]

DEPARTMENT OF STATE,
Washington, September 11, 1912.

SIR: With reference to previous correspondence relative to the negotiations entered into by the Governments of France, Germany, Great Britain and the United States for the rehabilitation of the finances of Liberia, I transmit herewith for the information of your Embassy copy of a note[1] which has been received from the Chargé d'Affaires of the French Republic at Washington, asking in the way of compensation for his Government's assent to the appointment of a German receiver of customs of the Republic of Liberia at Monrovia, that the Government of the United States grant to the French Republic such facilities for a rectification of the Franco-Liberian boundary as may be deemed requisite by the Government of France. The Department's attitude on this proposition is made known to you through the enclosed copy of the Department's reply to Mr. de Peretti's note.[2]

A note has also been received from the German Chargé d'Affaires in Washington asking that this Government exert its good offices in approving the plans of the Imperial German Government to the end that the German Vice Consul at Monrovia continue for a time in that capacity should the customs receivership go into operation before the appointment of a new German consular officer at Monrovia. A copy of this note is also enclosed.[3] The Department's views, expressed from time to time to the effect that the refusal of the Liberian Government to recognize Mr. Lange in a dual capacity meets with the moral support of the Government of the United States, is set forth in the Department's reply,[4] a copy of which is appended herewith.

It is expected that the receivership of customs of Liberia will go into active operation at an early date and the Department would be glad if, at the opportune time, you would express this Government's confidence in the continued support and cooperation on the part of the Government of France in arriving at a saitsfactory conclusion of the loan arrangements.

I am [etc.],

HUNTINGTON WILSON.

File No. 882.51/439.

The Acting Secretary of State to the American Ambassador to Germany.

No. 142.]

DEPARTMENT OF STATE,
Washington, September 11, 1912.

SIR: With reference to previous correspondence relative to the negotiations entered into by the Governments of France, Germany, Great Britain and the United States for the rehabilitation of the finances of Liberia, I transmit herewith for the information of your

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[1] The note of July 19, ante.

[2] Dated September 11, ante.

[3] Dated August 23, ante.

[4] Dated September 11, ante.

Embassy copy of a note which has been received from the Imperial German Chargé d'Affaires at Washington, asking that this Government exert its good offices in approving the plans of the Imperial German Government to the end that the German Vice Consul at Monrovia continue for a time in that capacity should the customs receivership go into operation before the appointment of a new German consular officer at Monrovia. The Department's view, expressed from time to time to the effect that the refusal of the Liberian Government to recognize Mr. Lange in a dual capacity meets with the moral support of the Government of the United States, is set forth in the Department's reply, a copy of which is appended herewith.

A note has also been received from the Chargé d'Affaires of the French Republic at Washington, asking in the way of compensation for his Government's assent to the appointment of a German receiver of customs of the Republic of Liberia at Monrovia, that the Government of the United States grant to the French Republic such facilities for a rectification of the Franco-Liberian boundary as may be deemed requisite by the Government of France. A copy of this note is also enclosed. The Department's attitude on this proposition is made known to you through the enclosed copy of the Department's reply to Mr. de Peretti's note.

It is expected that the receivership of customs of Liberia will go into active operation at an early date and the Department would be glad if, at the opportune time, you would express this Government's confidence in the continued support and cooperation on the part of the Imperial German Government in arriving at a satisfactory conclusion of the loan arrangements.

I am [etc.]

Huntington Wilson.

File No. 882.51/439.

The Acting Secretary of State to the American Ambassador to Great Britain.

No. 1764] Department of State,
Washington, September 11, 1912.

Sir: I transmit herewith for the information of your Embassy copy of a note which has been received from the French Chargé d'Affaires at Washington, asking that this Government grant to the Government of France such facilities favorable to that country as may be required for a rectification of the Franco-Liberian boundary. I also enclose copy of a note which has been received from the German Chargé d'Affaires in this city, asking this Government's good offices in approving the plans of the Imperial German Government that the Vice Consul at Monrovia retain that position as well as the position of German Receiver should the receivership go into active operation before a new German consular officer is appointed. The Department's attitude on these two questions is fully set forth in the replies which have been sent to Mr. de Peretti and Mr. Haniel, copies of which will also be found as enclosures.

It is expected that the receivership of customs will go into active operation at a very early date and the Department would be glad if you would, at an opportune time, express to the British Government this Government's deep appreciation of the hearty cooperation of Great Britain throughout the loan negotiations and the earnest hope that this cordial support will continue.

I am [etc.]

HUNTINGTON WILSON.

File No. 882.51/430.

The Acting Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 12, 1912.

Your July 29. Department has informed German Chargé d'Affaires here that, the General Receiver and the Receiver of Customs being alike officers of Liberia, its unwillingness to recognize in that capacity persons holding dual position of Receiver of Customs and consular officer would be so reasonable as to enlist the moral support of this Government and that this Government would find it difficult to ask the Government of Liberia to depart from the principle for which it is contending.

Department has informed French Chargé d'Affaires that if plan to have French Receiver at post nearest Franco-Liberian frontier meets with acquiescence of other Governments concerned and should give rise to no valid objection now unforeseen on part of Liberia or those responsible for receivership, this Government will lend its support.

French Government has asked as compensation for its assent in designation Lange Monrovia that this Government approve such facilities favorable to France as may be required for rectification Franco-Liberian boundary. Department's position expressed in reply is that it would be surprised to find the view entertained that territorial compensation would be a proportionate counterpoise to matter no graver than Lange's location and that this Government would greatly deprecate reopening any question of boundary at this time.

WILSON.

File No. 882.51/489.

The Acting Secretary of State to the American Minister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 23, 1912.

The three Receivers having been appointed, Clark should proceed at once to constitution of Receivership. He should, without delay, make remittance of all sums received for the service 1912 loan and make a full report concerning Receivership to National City Bank, New York.

WILSON.

File No. 882.51/503.

The American Chargé d'Affaires to the Secretary of State.

No. 65.]

AMERICAN LEGATION,
Monrovia, November 29, 1912.

SIR: The Department's cablegram of November 23 respecting the constitution of the Receivership having reached me on Sunday, I was unable to officially advise Mr. Clark, the General Receiver, and the Liberian Government of its contents until Monday, November 25.

Enclosure No. 1 is copy of the reply of Mr. Reed Paige Clark, General Receiver of Customs, dated November 26, 1912, advising me that he had on that day, in behalf of the Customs Receivership, assumed control of the Liberian Customs.

Enclosure No. 2 is copy of a communication from the Secretary to the President, dated November 25, 1912, in which the President acknowledged receipt of my communication of November 25 informing him that Mr. Reed Paige Clark had received instructions to proceed at once to the constitution of the Receivership.

Enclosure No. 3 is copy of a proclamation by the President, issued November 26, 1912, proclaiming that the Refunding Loan Agreement was of full force and effect from and after that date.

Enclosure No. 4 is copy of administrative circular No. 1, dated November 26, 1912, issued by Mr. Reed Paige Clark, General Receiver of Customs, in which he, in behalf of the Customs Receivership, assumed official control and possession of the Custom House and Customs Service at each and every port of entry of the Republic.

These documents are transmitted to the Department in order to furnish it with a record of the steps taken to constitute the Receivership. The first formal meeting of the Receivers was held on November 28, at 10 a. m. The Receiver General and all Receivers were present.

I am [etc.]

RICHARD C. BUNDY.

[Inclosure 1.]

The General Receiver of Customs and Financial Adviser of the Republic of Liberia to the American Chargé d'Affaires.

CUSTOMS RECEIVERSHIP OF THE REPUBLIC OF LIBERIA,
Monrovia, November 26, 1912.

SIR: In reply to your communication of yesterday transmitting a cablegram received on the 24th instant from the Department of State, I beg to say that, by direction of the President, the Chief Inspector of Customs having relinquished his post, I have this day in behalf of the Customs Receivership assumed control of the Liberian Customs. A formal meeting of the Receivers will be called this week at the earliest date practicable.

I shall make remittance of all sums received for the service of the 1912 Loan, to the London City and Midland Bank, London, and shall make a full report concerning the Receivership to the National City Bank, New York, by the next outgoing mail.

I am [etc.]

REED PAIGE CLARK.

[Inclosure 2.]

The President of Liberia to the American Chargé d'Affaires.

EXECUTIVE MANSION,
Monrovia, November 25, 1912.

SIR: I am directed by His Excellency the President to acknowledge the receipt of your dispatch of even date informing him that Mr. Reed Paige Clark has been instructed to immediately constitute the Receivership and transmit all sums received on account of the service of the 1912 Loan, as well as to make a detailed report concerning the Receivership to the National City Bank of New York City.

The President wishes me to thank you for this information and to say that he rejoices that the last touches have been put to the loan negotiations which make the Refunding Loan of 1912 an established fact. This sets at rest the uncertainties and misgivings that have for a long time infested the minds of the Administration and the people as a whole.

Further, the President desires to record his appreciation for the untiring efforts essayed by your Department of State to bring about this successful termination of the delicate negotiations by which the history of the loan has been marked, and to express to you his gratitude for your personal exertions in connection therewith.

I have [etc.]

WALTER F. WALKER,
Secretary to the President.

[Inclosure 3.]

A PROCLAMATION

BY THE PRESIDENT OF THE REPUBLIC OF LIBERIA.

Whereas the Legislature at a called session in the month of November, 1911, approved the Form of Agreement for a loan of One million seven hundred thousand dollars, as is set forth in the "Final Revise, September 7, 1911, Agreement for Government Refunding Loan," provisionally signed by the Financial Representative of Liberia, to refund the registered external and internal debt of the Republic as of December 31, 1910; and

Whereas the bankers, J. P. Morgan and Company, Kuhn, Loeb and Company, the National City Bank of New York and the First National Bank of New York, acting for themselves and others, have agreed to refund said debts under the provisions of the Agreement for Refunding Loan, signed on the seventh day of March, in the year one thousand nine hundred and twelve;

Now, therefore, I, Daniel E. Howard, President of the Republic of Liberia, by virtue of the power in me vested, do hereby declare and proclaim that the said Agreement for Refunding Loan is of full force and effect from and after this date.

In accordance with the terms of said Agreement the following officials have been designated by their respective Governments and duly commisisoned by me:

General Receiver of Customs, Reed Paige Clark;
Receiver of Customs, Gustav Lange;
Receiver of Customs, Emile Frédéric Wolf;
Receiver of Customs, Richard Sharpe.

These officials are invested with all the rights, powers and privileges conferred upon them by the said Agreement and by the several Acts of Legislature relating thereto.

In witness whereof I have hereunto set my hand and caused the Seal of the Republic of Liberia to be affixed.

Done at the City of Monrovia, this 26th day of November, in the year of our Lord one thousand nine hundred and twelve, and of the Republic the Sixty-sixth.

(L. S.) D. E. HOWARD,
President.

By the President:
C. D. B. KING,
Secretary of State.

[Inclosure 4.]

Administrative Circular No. 1 of the Customs Receivership.

OFFICE OF THE GENERAL RECEIVER OF CUSTOMS
FOR THE REPUBLIC OF LIBERIA,
Monrovia, Nov. 26, 1912.

ADMINISTRATIVE CIRCULAR NO. 1.

NOTICE TO ALL CONCERNED.

ASSUMING CONTROL AND TAKING POSSESSION OF THE CUSTOMS SERVICE.

PARAGRAPH I. The undersigned having been duly designated and appointed General Receiver of Customs for the Republic of Liberia in accordance with the provisions of the Refunding Loan Agreement dated March 7, 1912, does hereby, agreeably to the terms of that Agreement and in behalf of the Customs Receivership, assume official control and possession of the customhouse and customs service at each and every entry port of the Republic.

PARAGRAPH II. All customs dues upon imports and exports are payable solely in current gold, and no document or evidence of indebtedness of any kind whatsoever will be received in lieu thereof. Collectors of Customs will be held to strict accountability in this respect.

PARAGRAPH III. All customs duties paid in on November 26, 1912, and thereafter, will be held INTACT, subject only to the order of the General Receiver of Customs. No expenditures whatever will be made from such duties except, and until, specific authorization therefor be received from this office.

PARAGRAPH IV. All appointments, orders, rules, and regulations now in force, except in so far as modified by this circular, will remain in force until officially revoked or amended *in writing* by the General Receiver of Customs.

REED PAIGE CLARK,
General Receiver.

File No. 882.51/504.

The American Chargé d'Affaires to the Secretary of State.

AMERICAN LEGATION,
No. 66.] *Monrovia, November 30, 1912.*

SIR: In confirmation of my cable to the Department dated November 28, 8 a. m.,[1] concerning the attempt of Mr. Lange to exercise the functions of Receiver of Customs and at the same time continue to act as German Consul, I have the honor to make the following report.

On November 27 the General Receiver, Mr. Reed Paige Clark, issued a formal notice to all the Receivers that the first official session of the Receivership would be held on November 28 at 10 a. m. At the appointed time all three Receivers met the General Receiver at the office of the Receivership. I am informed by Mr. Clark that he, as General Receiver, read a formal notice opening the meeting, and declared that from this date, November 28, the Receivers had entered upon the active performance of their duties under the Refunding Loan Agreement, and asked if the Receivership should proceed to business. At this juncture Mr. Sharpe, English Receiver, and Mr. Wolf, French Receiver, inquired whether or not the General Receiver and each Receiver was present solely in his capacity as Receivers [sic]. A poll of the Receivership brought out the fact that Mr. Lange was still exercising the functions of German Consul and retained his position as German Vice Consul under an exequatur granted by the Liberian Government. It was then suggested by the General Receiver that the Receivership might consider purely formal questions and leave all matters of reorganization to a future meeting. Mr. Sharpe, English Receiver, asked what formal business the General Receiver purposed taking up at this meeting. The General Receiver stated his program and by mutual consent the meeting proceeded in accord with that program.

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[1] Not printed.

I have been reliably informed that both the English and French Receivers had asserted their intention to leave the meeting if it developed after its opening that the German Receiver still retained his consular functions. This break was probably avoided by the General Receiver keeping the meeting purely formal in its nature.

I am further informed that the English and French Receivers were acting under instructions from their respective Governments, and that the Liberian Government had been advised by the British and French consular officers here of the position of their Governments with respect to this matter, sometime before the first meeting of the Receivership was called.

Immediately after the meeting Mr. Reed Paige Clark, General Receiver, officially advised the Liberian Government of the meeting and of the presence of all the Receivers. (See inclosure No. 1.) Upon receipt of this information the Liberian Government transmitted a despatch to Mr. Lange in which it pointed out the failure of Mr. Lange to comply with the conditions of the understanding between the Imperial German Government and the Government of Liberia with respect to his relinquishing his consular functions, and advised him that in view of what had transpired the Liberian Government would be constrained to regard him as having surrendered his consular functions from that day, November 28. Inclosure No. 2 gives the complete text of the Liberian Government's despatch.

As defining his position with respect to this matter, Mr. Lange had filed a communication on November 28 with the Liberian Government in which he stated "that after the Receivership had been called together this a. m. I am sending my resignation as Imperial German Vice Consul to my Government. The Imperial German Consul Freiheer von Grote will, as your Government has already been informed, arrive on the 8th of December and until that time I can not give up to act, as I was ordered by my Government, as Imperial German Consul." (See inclosure No. 3.) The Liberian Government regarded this statement as totally unsatisfactory and proceeded without any reference to it to forward Mr. Lange the communication referred to above as inclosure No. 2.

Inclosure No. 4 is a copy of Mr. Lange's second communication to the Liberian Government dated November 28, 1912, with respect to the exercise by him of the dual functions of Receiver and Consular Officer. In this communication Mr. Lange states that he has not received any orders from his Government with respect to relinquishing his consular position and interprets the Liberian Government's despatch (inclosure No. 2) to mean that he will not be recognized any longer as Acting Imperial German Consul. It is interesting to note that in inclosure No. 3 Mr. Lange has signed himself as Receiver of Customs, Republic of Liberia, and in inclosure No. 4 he has signed himself as Acting Imperial German Consul.

With this evidence in hand it can not be doubted that Mr. Lange intended to retain his functions as Consular Officer while performing his duties as German Receiver of Customs. This, of course, the Liberian Government regarded as a complete violation of the understanding and proceeded to take the action referred to above (inclosure No. 2) as that measure of self-defense which the situation seemed to require.

I am [etc.]

RICHARD C. BUNDY.

[Inclosure 1.]

The General Receiver of Customs to the President of Liberia.

CUSTOMS RECEIVERSHIP OF THE REPUBLIC OF LIBERIA,
Monrovia, November 28, 1912.

MR. PRESIDENT: I have the honor to inform Your Excellency that, in response to a formal call issued by the General Receiver yesterday, there was a full meeting of the Liberian Customs Receivership at 10 o'clock this morning and, by mutual consent, the three Receivers, Messrs. Lange, Wolf, and Sharpe, entered upon the active performance of their duties as Receivers of Customs.

Only formal business was transacted at to-day's meeting, which adjourned, after an harmonious session, at 11.30. Regular meetings will be held daily hereafter. I consider that the Liberian Customs Receivership is now fully constituted.

I have [etc.]

REED PAIGE CLARK.

[Inclosure 2.]

The Secretary of State of Liberia to the Acting Imperial German Consul at Monrovia.

DEPARTMENT OF STATE,
Monrovia, November 28, 1912.

No. 617.]

SIR: I am directed by His Excellency the President to say that in view of the fact that the Liberian Government has ascertained that you were present at a meeting of the General Receiver and Receivers of Customs this morning, in response to a formal notice issued by the General Receiver for the purpose of convening all of the Receivers at their first official session, it has become necessary for the Liberian Government to point out that it is compelled to regard your presence at the aforementioned meeting as an assumption on your part of the official duties of German Receiver of Customs under the Refunding Loan Agreement.

In consonance, therefore, with the understanding between the Imperial German Government and the Government of Liberia to the effect that you would relinquish your position as Imperial German Vice Consul on or before your assumption of the duties of Receiver the Liberian Government is constrained to regard you as having surrendered your Consular functions from to-day.

I have [etc.]

C. D. B. KING.

GUSTAV LANGE, Esq.,
Acting Imperial German Consul, Monrovia.

[Inclosure 3.]

The German Receiver of Customs to the Acting Secretary of State of Liberia.

MONROVIA, *November 28, 1912.*

SIR: I have the honor to inform your Government that after the Receivership has [sic] been called together this a. m. I am sending my resignation as Imperial German Vice Consul to my Government.

The Imperial German Consul Freiheer von Grote will, as your Government is already informed, arrive on the 8th of December and until that time I can not give up to act, as I was ordered by my Government, as Imperial German Consul.

I beg to express the hope that my explanation will be in accordance with the views of your Government.

I have [etc.]

LANGE,
Receiver of Customs, R. L.

The Hon. JOSEPH J. SHARP,
Acting Secretary of State, Monrovia.

[Inclosure 4.]

The Acting Imperial German Consul at Monrovia to the Secretary of State of Liberia.

IMPERIAL GERMAN CONSULATE,
Monrovia, November 28, 1912.

SIR: I beg to refer to my despatch as Receiver to the Hon. Acting Secretary of State of this a. m. and at the same time I acknowledge the receipt of your despatch No. 618 [617] and noted that according the [sic] understanding between the Imperial German Government and your Government I had to relinquish my position as Imperial German Vice Consul on or before my assumption of the duties as Receiver and that therefore your Government is constrained to regard me as having surrendered my Consular functions from to-day.

In reply I beg to say that I have not yet received any such orders of my Government, but that I understand that your Government does not recognize me from to-day as Acting Imperial German Consul. Of the decision of your Government I have informed my Government.

I have [etc.]

LANGE,
Acting Imperial German Consul.

The Hon. C. D. B. KING,
Secretary of State, Monrovia.

File No. 882.51/487.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, December 4, 1912.

Clark requests me to say: "Receivers unanimously demand immediate settlement location and deny my right to locate them. Have taken stand on inclosures Department's No. 27, May 15. Each Receiver seeking to be sustained by his Government. Shall insist on exercise of right to designate location. Vital principle involved. Serious disagreement imminent."

BUNDY.

File No. 882.51/487.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 4, 1912.

Your December 4. Inform Clark Department approves his stand regarding location of Receivers. His right in this matter seems fully covered under Agreement for Refunding Loan, article 4, section A, paragraph 3.

He should bear in mind special agreement regarding location of German Receiver at Monrovia without making any mention of same.

KNOX.

File No. 882.51/507.

The American Chargé d'Affaires to the Secretary of State.

No. 67.]

AMERICAN LEGATION,
Monrovia, December 9, 1912.

SIR: At the request of the General Receiver of Customs for Liberia, Mr. Reed Paige Clark, I have the honor to transmit herewith for the information of the Department a report by him with reference to an issue which has arisen in the Receivership.

It will appear from the inclosed documents that the three Receivers have unanimously denied the right of the General Receiver to assign them to their respective locations. I do not think it necessary to enlarge upon the report of the General Receiver, as it gives a clear record of the case, except to say, in my opinion, that the relation which the German and British Receivers have borne to Liberian affairs accounts in a large degree for their attitude in the present controversy.

Mr. Sharpe, the British Receiver, suffers a reduction under the new régime and is naturally reluctant to give up to the General Receiver power that he was wont to exercise without hindrance. His experience makes him a valuable man to the Receivership, but he approaches his new duties in a manner which creates the impression that it is possible that he can never adjust himself to the new order, and should the General Receiver be sustained in the position he has taken I believe that he will resign as soon as he can arrange to do so without a too great personal sacrifice.

Of Mr. Lange, the German Receiver, I think it may be said, from what I have ascertained, that he attaches an exaggerated political and representative significance to his position as Receiver, and he apparently feels that to be subject to the direction of the American General Receiver is beneath his dignity as the agent of the Government he represents. Having been the German Consular Officer in Liberia for a considerable time, he seems to be unable to divest himself of certain attributes of his former representative character. Mr. Lange, like Mr. Sharpe, will therefore find it difficult to adjust himself to the authority of the General Receiver, guaranteed by the loan agreement, if he, the General Receiver, is finally sustained in the stand he has taken. It is not at all improbable that Mr. Lange under such circumstances would also resign.

Mr. Wolf, the French Receiver, I believe would, if left to himself, never have raised the issue and quite likely will remain in the Receivership should the point go against the Receivers. The amount of divergence between the interpretation of the General Receiver and the Receivers as to the meaning of the loan agreement gives one the feeling that its spirit and purport is thoroughly misunderstood or purposely misconstrued by the Receivers. Whether or not a working basis can be reached with the present personnel is extremely doubtful. In my opinion, the General Receiver would gain immensely in power and prestige if the resignations foreshadowed actually take place.

I am [etc.]

RICHARD C. BUNDY.

[Inclosure.]

The General Receiver to the Secretary of State.

CUSTOMS RECEIVERSHIP OF THE REPUBLIC OF LIBERIA,
Monrovia, December 7, 1912.

SIR: I have the honor to inclose herewith extracts from the approved minutes of the meetings of the Liberian Customs Receivership held on December 3, 4, 5, 1912.[1] In order that the Department may come to a clear understanding of the issue, I am also taking the liberty of submitting a brief report thereon.

On December 3d, Mr. Sharpe, who, in common with Mr. Wolf, the French Receiver, is extremely anxious to know whether the General Receiver will keep the promise to locate the German Receiver at Monrovia (both the British and French Receivers are well aware of the promise) suggested that the Receivership proceed to discuss the location of Receivers. I objected strongly to the form in which the suggestion was made, holding that the Receivership, as such, had nothing to do with the location of Receivers, inasmuch as the Receivers were acting under the direction of the General Receiver.

At first Mr. Lange took no active part in the discussion, but Mr. Sharpe speedily and very cleverly enlisted his sympathy by obscuring the real point in question and enlarging upon the fact that the General Receiver, to put it baldly, was claiming the right to issue orders to the Receivers. The word "orders" seems to have been especially nauseous to Mr. Lange; but, even so, his action in aligning himself against the General Receiver on the present issue is, to say the least, astonishing. Surely he must know that the promise above referred to is not that the American Government will cause the General Receiver to *vote* for the location of the German Receiver at Monrovia, but will cause the General Receiver to *locate* him there. By taking issue with the General Receiver on the question of his authority in this particular, Mr. Lange, I believe, is treading upon exceedingly dangerous ground—for him.

Personally, I may say in passing I should welcome an opportunity to escape honorably from this embarrassing promise affecting the location of the German Receiver. It has occasioned, and is destined to occasion, the major part of our difficulties in the Receivership. The British and French Receivers are convinced of the existence of a working agreement between the General Receiver and the German Receiver, and will seize upon any pretext to declare that the General Receiver is showing favor to their German colleague.

To my mind, the question as to the authority of the General Receiver to designate the location of Receivers admits of no argument. The meaning of the phrase in article 4 (a), paragraph 3, of the Loan Agreement is, I believe, unmistakable. Article 7 implies clearly that there *are* questions that do not require a Receivership vote.[2] From the first there has been a tendency among the Receivers toward independence of action. This tendency, I respectfully submit, must be checked, for a body like the Receivership can have but one responsible head; it would lead to endless confusion, for example, if the Receivers were permitted to issue, in their own names, orders affecting Receivership matters generally, even though acting in behalf of the Receivership.

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[1] Not printed.

[2] The passage of Article Fourth referred to reads as follows: "By the terms of such arrangement, in order to assure the faithful and efficient administration and collection of the Assigned Revenues and their application in accordance with this Agreement, the Customs Receivership shall be administered by a General Receiver so designated, and three Receivers so designated who shall act under the direction of the General Receiver." Article Seventh reads as follows: "Any question herein required to be passed upon jointly by the General Receiver and Receivers may, pending such joint action, be provisionally decided by the General Receiver, and such provisional decisions shall be of full force and effect unless and until finally disposed of by such joint action. The General Receiver and Receivers shall meet at least once a year, before the convening of the Legislature, or may hold special meetings upon the call of the General Receiver or upon the unanimous request of the Receivers, for the purpose of considering and finally determining such questions requiring their joint action. At such meetings the General Receiver and Receivers shall each have one vote and all questions requiring their joint action shall be decided by a majority of the votes of those present and voting, and in case the votes shall be equally divided the vote of the General Receiver shall be final and conclusive."

In our discussions we have mutually agreed that the word "construe" is used in the legal sense of "finally determine the meaning of." It is obvious that it is not within the province of the Receivership to construe the Loan Agreement. As will appear from a perusal of the minutes, I have prevented the Receivership from voting upon any question involving the construction of that instrument, more especially upon any question relating to the prerogatives of the General Receiver. The Receivers are clearly entitled to a voice in shaping the policy of the Receivership, but, quite as clearly, they have no control over the designation of individuals to carry out that policy.

Mr. Sharpe's questions and motions were carefully prepared in advance, while my rulings were necessarily in the main extemporaneous. The Department can judge whether or not my course in shutting off debate and forcing the Receivers to take their arguments elsewhere was justifiable under the circumstances. A vital principle is involved in the controversy, and the sooner it is conclusively settled the sooner the Receivership can proceed in an orderly manner.

In arguing his motions Mr. Sharpe had but little assistance from Mr. Wolf, who has some difficulty in following English when rapidly spoken, and but little from Mr. Lange, who, I fear, has never had a very clear idea of the true meaning of the proceeding. Mr. Sharpe has since confessed to me that he desires not so much a settlement of the question as to the General Receiver's authority in the premises as a record of the attitude of the General Receiver and of each Receiver in the matter of location. I am willing enough to have myself and Mr. Lange on record, but I can not waive a prerogative of the General Receiver to accomplish this result. If his authority in this respect is recognized by the Receivers, the General Receiver will make the designations, in which event, of course, the responsibility will be entirely his. I hope for an early settlement of the question.

The Department's cablegram of December 4 was a source of considerable gratification to me. If I hear nothing further from the Department, I shall proceed to make designations whenever, in my opinion, the time is ripe.

I am [etc.]

Reed Paige Clark.

File No. 882.51/494.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.]

Department of State,
Washington, December 21, 1912.

Repeat following to Clark: "Referring to Legation's cable, December 4, and Department's cable reply same date, French Government urgently insists French Receiver be assigned French border. French Ambassador gives assurances such assignment need not be considered as injecting international politics into the conduct of the Receivership or an attempt to create any spheres of influence, Franco-Liberian boundary having already been settled. In view of the fact that French Government acquiesced after protest in the establishment of German Receiver at Monrovia, its present request can not be ignored. You will accordingly see the necessity of assigning French and British Receivers to their respective boundary ports. Such assignment does not mean these two Receivers can not be transferred from time to time to other ports along the coast nearest their respective borders as the requirements of the Receivership may dictate. Am informing French Ambassador to-day of this request that you comply with the desires of his Government..

"The Department is aware of the objections you have to the above arrangement, as stated in your report to the American Minister at Monrovia on September 16 last,[1] but feels the circumstances are such that compliance with the French request is essential to continuance of the Receivership."

KNOX.

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[1] Not printed.

LUXEMBURG.

DEATH OF THE GRAND DUKE WILLIAM ALEXANDER AND ACCESSION TO THE THRONE OF THE GRAND DUCHESS MARIE ADELAIDE.

File No. 850a.001.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
The Hague, February 25, 1912.

Grand Duke Luxemburg died this evening seven o'clock.

BRYCE.

File No. 850a.001.

The President to the Grand Duchess.

[Telegram.]

THE WHITE HOUSE,
Washington, February 26, 1912.

I deeply regret to learn of the death of your illustrious father, His Royal Highness William, late Grand Duke of the Grand Duchy of Luxemburg, and I offer the profound sympathy of the Government and people of the United States to the Government and people of your country in their national bereavement. Pray accept for yourself the expression of my personal sympathy and high regard.

WM. H. TAFT.

File No. 850a.001/2.

The Grand Duchess to the President.

[Telegram.]

COLMARBERG, *February 28, 1912.*

I thank you most sincerely for the expression of sympathy so kindly offered by yourself and the Government and people of the United States on the occasion of our sad bereavement.

MARIE ADELAIDE.

File No. 850a.001/6.

The American Minister to the Secretary of State.

No. 6, Luxemburg series.]

AMERICAN LEGATION,
The Hague, April 4, 1912.

SIR: I have the honor to transmit herewith, together with the office copy thereof, a letter[1] addressed to the President of the United

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[1] Not printed.

States of America, which I have this day received from the Minister of State, President of the Government of the Grand Duchy of Luxemburg, whereby her Royal Highness the Grand Duchess, Regent of the Grand Duchy, notifies the President of the United States of the decease of His Royal Highness the Grand Duke William, and of the continuance of the Regency until the attainment of majority of Her Royal Highness the Grand Duchess Marie Adelaide.

I have, etc.

LLOYD BRYCE.

File No. 850a.001/6.

The Acting Secretary of State to the American Minister.

No. 2[illegible]]

DEPARTMENT OF STATE,
Washington, May 8, 1912.

SIR: Referring to your dispatch No. 6 Luxemburg series of the 4th ultimo, transmitting a letter from Her Royal Highness Marie Anne, Regent of the Grand Duchy of Luxemburg, in which she notifies the President of the death of His Royal Highness the Grand Duke William and that the Regency will be continued until the attainment of majority of Her Royal Highness Marie Adelaide, I inclose, with office copy, a letter addressed by the President to Her Royal Highness Marie Anne, acknowledging her letter.[1]

You will forward the copy to the Foreign Office of Luxemburg and delivering the original in the manner most agreeable to Her Royal Highness.

I am, [etc.]

HUNTINGTON WILSON.

File No. 850a[illegible]2.

Speech from the Throne by Her Royal Highness the Grand Duchess Marie Adelaide on the occasion of her attainment of majority, June 18, 1912.

[Translation.—Extracts.]

My first duty is to comply with the desire expressed in Article 5 of the Constitution:

> I swear to observe the Constitution and the Laws of the Grand Duchy of Luxemburg, to maintain the national independence and the integrity of its territory, as also public and individual liberty and the rights of all and of each of my subjects, and to use for the preservation and the growth of general and private prosperity, as a good sovereign should do, all the means which the laws put at my disposal. I swear it. So help me God.

It would be a presumption on my part to wish to sketch to-day the program of a w[illegible] reign; I will limit myself, gentlemen, to telling you my aspirations and my hopes.

My desire is to merit the name of a good sovereign, as expressed in the oath I have just taken. I promise to take an interest in the weal of all and to be helpful to all with kindness and benevolence. Is not the endeavor of the sovereign to attain to the utmost the good, the true and the beautiful the most precious jewel of his crown?

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[1] Not printed.

The wish to judge according to the demands of justice and equity, shall inspire all my actions. The rights and well being of th e country shall be my only guide. Righteous judgment means equ al justice for all, especially justice which protects the humble and t he feeble. The steadily increasing economic inequality between mer is the serious problem of our age. Social peace, which is sought af ter so earnestly, remains to this day an unattained ideal. May we not hope that the consciousness of justice, which is so deeply root d in human nature, may equalize all contrasts, and that the const ntly active, eternal laws of justice may at last bring to us rest and ace?

My father wished to reign for the people and with the peopl He said that hand in hand with the people we shall approach the rious problems which the future has in store for us. I assume thi pater-nal inheritance, which involves so great a responsibility Your enlightened patriotism will sustain me and Heaven will re rd our joint endeavors.

We owe a debt of gratitude to the numerous Heads of ate and the foreign Governments for their warm interest in the co try and the Sovereign Family at the time of our recent affliction. We shall gratefully remember the sympathy shown us.

The Grand Duchy owes its prosperity principally to e inter-national treaties which guarantee its independence and utrality, but they also impose obligations on us in the interest Europe. Our strength lies in the Right. A brotherly bond co ts Right and Duty. In the frank performance of our duties w l always act in such a manner that not the least doubt as to the ness and integrity of our intentions may ever arise.

Filled with love of country, I am happy and pr o bear its name and its crown. I aspire to no other joy than to it always, and with your help, gentlemen, to work for its interes

The standard of Luxemburg is placed to-day in weak hands of a young girl. I will bear it on high unflinching nd with the help of God I will fight for its honor.

As a daughter of the House of Nassau, like my stors, I will be faithful to the noble motto of our ancient F "Je maintiendrai!"

File No. 850a.001M33.

The American Minister to the Secretary *ate,*

AMERI EGATION,
The Hag *gust 7, 1912.*

SIR: I have the honor to transmit herewith i l, at the request of the Minister for Foreign Affairs of Luxe , a letter[1] with office copy and translation thereof, by which Royal Highness, the Grand Duchess of the Grand Duchy of burg, notifies the President of the United States of her accessi he throne.

I have [etc.]

LLOYD BRYCE.

File No. 850a.001M33.

The Acting Secretary of State to the American Chargé d'Affaires,

DEPARTMENT OF STATE,
Washington, September 28, 1912.

SIR: I inclose, with office copy, a letter[1] addressed by the President to Her Royal Highness, Marie Adelaide, acknowledging the letter of June 18 last, by which Her Royal Highness announced that, having attained her majority, she had taken possession of the Sovereign Power of the Grand Duchy of Luxemburg.

You will forward the copy to the Foreign Office of Luxemburg and deliver the original in the manner most agreeable to Her Royal Highness.

I am [etc.]

ALVEY A. ADEE.

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[1] Not printed.

MEXICO.

MESSAGES OF THE PRESIDENT, FRANCISCO I. MADERO, TO THE CONGRESS.

File No. 812.032/8.

NOTE.—The message of the President, Francisco I. Madero, was read to the Congress April 1, 1912, and transmitted to the Secretary of State April 17, 1912, by the American Ambassador.

[Extracts pertaining to relations with the United States.—Translation.]

Our relations with foreign countries continue singularly cordial. All the Sovereigns and Executives of the great powers, and of almost all the other powers, have answered in flattering terms the autograph letters which I addressed to them, informing them that I had taken possession of the Supreme Magistracy of the Republic.

In our relataions with the United States incidents have occurred to which, on account of their interest, I must refer, notwithstanding that they are already matters of common knowledge.

THE CHAMIZAL AFFAIR.

I will begin with the Chamizal affair, which has been the subject-matter of long-standing and frequent negotiations between the two Governments.

In June, 1910, there was signed at Washington by the Ambassador of Mexico and the Secretary of State of the United States of America a convention[1] in which, after definition and description of the territory in dispute, known as El Chamizal, it was agreed that the difference between the two countries with respect to the eminent domain over that territory should be submitted to the International Boundary Commission, with a third member, who was to be a Canadian jurist, added. In compliance with the stipulations of the convention, and after hearing the case, the Arbitral Tribunal decided by a majority vote that the eminent domain over a part of the territory of El Chamizal appertained to the United States of America, and over the other part, the more extensive of the two, to the United Mexican States.[2]

Within the period of time fixed by the convention for the execution of the award, the Government of the United States of America informed the Government of Mexico that it could not regard that award as valid or binding, and the President of the United States, in his Message to Congress on December 7, last, made the following declaration: "Our arbitration of the Chamizal boundary question with Mexico was unfortunately abortive, but, with the earnest efforts on the part of both Governments which its importance commands, it is felt that an early practical adjustment should prove possible."[1]

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[1] For. Rel. 1911, p. 565.

[2] Id., p. 586.

This is not the occasion to set forth in detail the reasons which the American Government adduces to maintain that the award was abortive. The Mexican Government has maintained the reverse, notwithstanding the objections publicly made as to the difficulties that might arise in the incorporation under the domain and jurisdiction of the Mexican Republic of a tract which, *de facto*, forms part of the city of El Paso and which is separated from Ciudad Juárez by the present bed of the Bravo River.

Both Governments being animated by the most earnest desire to solve the difficulty, the Mexican Government, at the invitation of the Government of the United States, has informed the latter that, without foregoing the position which it occupies by virtue of the arbitral award, it will receive and study such propositions as the American Government may see fit to make.[2]

INTERVENTION.

The armed agitation that exists in some parts of the Republic has given rise to rumors as to the possibility of intervention in Mexico by the United States. These rumors, fomented in the United States by certain unscrupulous journals, have not sufficed to occasion differences between the two Governments nor has the Washington Government allowed itself to be influenced by the ignoble propaganda. The great and respectable American dailies, the most prominent American statesmen, the ablest American thinkers, as well as all Americans having legitimate interests in Mexico, know well that the word "intervention" is only an euphemism for war, seeing that the Mexican people, whatever political defects may characterize or be attributed to them, prize the independence and honor of their country more than life itself. The Government of the United States has been the first, by its own acts, to discourage the insensate idea of intervention and has given repeated proofs to the Government of Mexico of its high spirit of justice and its sincere respect for the rights of this country as a sovereign nation. A patent proof of this spirit is to be found in the recent action of the American Congress, in empowering the President to prevent American territory serving as a source of supply of arms and ammunition to individuals who rise in rebellion against the Governments of the other nations of this continent, and the consequent proclamation of the President of the United States,[3] prohibiting armed rebels in Mexico being supplied with war material in the neighboring Republic. The President of the American Union has been actuated in this instance, as stated in an official note addressed to our Foreign Relations Department, by his earnest desire that the Mexican nation may at an early date enjoy once more the blessings of peace and prosperity.

File No. 812.032/10.

NOTE.—The second message of President Madero was read to the Congress September 16, 1912, and transmitted to the Secretary of State September 18, 1912, by the American Ambassador.

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[1] Id., p. xl.

[2] Id., p. 603.

[3] See post under date of March 2, 1912, p. 732.

[Extracts pertaining to relations with the United States.—Translation.]

Public attention has been occupied greatly by the public disorders which have occurred during the last semester, since they might have had an influence in some manner on the cordial relations which up to date we have maintained with foreign nations.

As a matter of fact the criminal depredations committed in various parts of the Republic by armed groups which have placed themselves outside the law, committing acts now of rebellion, now of brigandage, have brought about on the part of victims of foreign nationality claims against the Mexican Government, directed by the representatives of their respective nations. The form in which the complaints have been presented has in nowise inspired any doubt or the least fear that our relations of friendship with foreign nations could suffer any alteration from this cause. Prudence, discretion, and serenity have been the characteristic mark of the conduct of the diplomatic agents accredited to Mexico in taking up these affairs, showing once more the esteem which their Governments and they themselves have for our country.

The Mexican Government, anticipating the investigation ordered by the united houses of the American Congress to fix and estimate the personal damages caused by the revolution of 1910 to citizens resident in El Paso, Texas, and Douglas, Arizona, ordered two of its consuls to compile with the greatest zeal the data for appraising the real damage and to set the amounts of the indemnities which should be forthcoming. The result was that only eleven persons presented claims in El Paso and six in Douglas for injuries received—in some cases because of acts imputable to their own negligence or their curiosity to witness a battle; in equity and in view of the damages suffered indemnities were fixed, the amounts of which were similar to those fixed by the American courts and by the Mexican and American chancelleries in cases where the damages, in part at least, are the fault of the victims. The matter is not yet ended, due to the exaggerated pretensions of those interested, who have thought to find in the commission appointed by the American Congress an unconditional support.

POLITICAL AFFAIRS.—REVOLUTION.—MEASURES TAKEN BY THE UNITED STATES TO PREVENT BREACH OF NEUTRALITY LAWS AND TO PROTECT AMERICAN LIFE AND PROPERTY IN MEXICO.[1]

File No. 812.00/2665.

The Secretary of State to the Attorney General.

DEPARTMENT OF STATE,
Washington, January 3, 1912.

SIR: I have the honor to inclose herewith for such action, if any, as you may see fit to take thereon, a copy of translation of a note dated the 30th ultimo from the Mexican Embassy at this capital,[2] requesting that the local and Federal authorities of Arizona be instructed to maintain with greater vigilance the observance of the neutrality laws of the United States. The Embassy adds that adherents of Flores Magón are near the international border in Arizona and

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[1] Continued from For. Rel. 1911, pp. 348–525.
[2] See For. Rel. 1911, p. 525.

California ready to support or cover up any movement against the Mexican Government.

In communicating to you this and other requests of a similar character, the Department has no other intention than to call to your notice the particular request or complaints that may be made in order that the facts and circumstances involved may be thoroughly investigated and such action, if any, taken as may be necessary to secure the enforcement of our neutrality statutes as well as of the treaty and other international obligations under which this Government may rest toward foreign powers with which it is on terms of amity and peace. In this connection it should be observed that the Department of State draws a clear distinction between, on the one hand, a vigorous enforcement of our so-called neutrality statutes and the due and proper observance of the rules governing international neutrality, and, on the other hand, activities such as are seemingly desired by the Mexican Government and which would, if carried out, amount in effect to cooperation and participation with a foreign government or with its agent in measures calculated to assist such foreign government in putting down revolution or in maintaining peace and tranquillity within its borders. These latter undertakings, in the absence of duties, rights or obligations arising from treaty, from conditions threatening the welfare of a foreign power, or from the interests of aliens requiring protection by their own Government, are quite obviously matters calling for action by the local sovereign rather than by a foreign power, which under normal conditions owes in general no international duty other than to be neutral and impartial.

I have [etc.]

P. C. Knox.

File No. 812.00/2665.

The Secretary of State to the Mexican Ambassador.

[Memorandum—Translation.]

The Secretary of State presents his compliments to his excellency the Mexican Ambassador, and has the honor to acknowledge the receipt of his note No. 799, dated December 30, 1911,[1] requesting the good offices of the Department of State to cause the local and Federal authorities of Arizona to tighten the vigilance they have been instructed to maintain for the observance of the neutrality statutes of the United States, and stating that recent reports to the Mexican Government indicate that both in Arizona and in California adherents of or sympathizers with the Flores Magón faction constitute a disturbing element, ever ready to cover up or to support a movement against the Mexican Government.

The Department of State has taken pleasure in transmitting to the Attorney General for such action, if any, as he may see fit to take thereon, a copy of the translation of the Mexican Embassy's note under acknowledgment.

Department of State,
Washington, January 4, 1912.

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[1] See For. Rel., 1911, p. 525. This is the note referred to in the communication to the Attorney General above.

File No. 812.00/2692.

The American Ambassador to the Secretary of State.

No. 1203.]

AMERICAN EMBASSY,
Mexico, January 6, 1912.

SIR: I have the honor to transmit herewith for such action as the Department deems necessary to take, a copy of an informal note, with its inclosures, from the Mexican Minister for Foreign Affairs, relative to certain seditious propaganda being carried on by Dr. Emilio Vázquez Gómez from his present home in San Antonio, Texas.

I have [etc.]

HENRY LANE WILSON.

[Inclosure—Translation.]

The Mexican Minister for Foreign Affairs to the American Ambassador.

[Private correspondence of the Minister for Foreign Affairs.]

MEXICO, *January 3, 1912.*

MY DEAR MR. AMBASSADOR: Referring to the conversation which we had last Monday regarding Mr. Emilio Vázquez, who is commonly known by the name of Emilio Vázquez Gómez, I have the honor to send to you herewith a copy of a circular letter which the same Emilio Vázquez sent to all the governors of the States under date of the 10th of November last. The President of the Republic received various copies of the letter mentioned, which were sent to him by the governors of the States, and one of these copies was sent to our Ambassador in Washington, in order that he might make representations to the American Government, which up to the present time have had no result.

If you will read the letter in question, you will find it very astutely written. Vázquez in a very indirect manner makes invitation to the revolution, avoiding, nevertheless, any expression which would directly compromise him.

The principal newspapers of this city published yesterday another letter of Emilio Vázquez, which shows his decision to continue agitating this country. I inclose a copy of El Imparcial, in which you may see the letter, and I beg very earnestly that you give particular attention to the final paragraph thereof in which the so-called Plan of Tacubaya is set forth, this being the plan upheld by Vázquez and his partisans.

I beg you, Mr. Ambassador, to accept my thanks for your kind cooperation with us to prevent conspiracies on American territory, and again expressing to you my best wishes,

I am [etc.]

MANUEL CALERO.

[Subinclosure 1.—Translation.]

Emilio Vázquez to the Director of El Imparcial.

501 SOUTH PRESA STREET,
San Antonio, Tex., December 29, 1911.

MY DEAR SIR: Yesterday a reporter of a local paper came to visit me, and in the afternoon published an account of the interview; but, through the lack of knowledge on his part of Spanish and on mine of English, he published in his newspaper various mistakes of some importance, which I ought to rectify in the possibility that they have been telegraphed to Mexico City and published there.

He affirms that I stated that with the imprisonment of Gen. Reyes peace would return to the Republic, and, by way of rectification, I should express my opinion in this regard.

I believe that peace will not return to the country, and much less tranquility, while Mr. Madero and his followers govern, as they are governing, in a manner entirely apart, unfortunately, from the noble ideals of the revolution of 1910. The glorious revolutionary spirit never considered using our heroic army for the killing of our brothers and for the shedding of their blood, which is our own blood, and often simply for asking justice; nor did it ever think to use the army to occupy the halls of the legislators to impose, with fixed bayonet, chosen governors and to insult the sovereignty of the States and of the constitution of the Republic. Very different, and very high and patriotic, are the ideals which our revolution of November of 1910 has for our army, for the States, for Mexicans, and for the Fatherland.

Some of my partisans in Mexico, in order to continue the revolution on the Plan of San Luis, took my name when they signed the Plan of Tacubaya, honoring me with the belief that I am the true representative of the ideals of the revolution, in order that when the revolution should triumph, I may be elevated to the provisional presidency to satisfy there the high aims which are defined in that Plan of Tacubaya. The interview to which I refer states that I have disowned my partisans. That is not the truth and never will be; never will I disown my partisans; the voice of my own conscience demands that I do thus; the salvation of the ideals of the revolution which constitute peace, tranquility, and the salvation of the Fatherland impose it upon me, and I am not the one to betray either my conscience or the ideals of the revolution, let the consequences to me be what they may.

All by the Fatherland and for the Fatherland.

Thanking you in advance, I am very sincerely, yours,

EMILIO VÁSQUEZ.

[Subinclosure 2.—Translation.]

Circular to all Governors of Mexican States, from Emilio Vásquez.

501 SOUTH PRESA STREET,
San Antonio, Tex., November 10, 1911.

MY DEAR SIR AND FRIEND: I have received word that there is a movement on foot in Mexico to bring to a head a revolution in my favor. When explanations were asked for, it appears that a revolutionary plan has been elaborated in which, with a basis principally in the supreme political errors of Mr. Madero and above all in the arbitrary and sudden imposition of the Vice President, the general elections of the 1st and 15th of October and the results emanating from them are declared null. The Chambers of Congress are declared dissolved, and it is said that, although I have always recommended peace, in spite of that I am declared chief of the revolution in order to elevate me to the Presidency of the Republic, where I shall enjoy, according to the plan, all the powers necessary to call and hold the elections for President, Vice President, Deputies, and Senators, in order to commence to put in force at once the ideals of the revolution and to restore to the country the peace and tranquility which are now lacking.

Such are the principal points of the plan, according to my information, as well as the following: The elections of governors and officials of the States, held since June last, are acknowledged as valid, and it is ordered that the already commenced movement to replace authorities shall continue without interruption, for the revolution is not against the governors of the States and the officials thereof, but against him who imposed the Vice President and against the Vice President imposed, in order that in the future there may not remain to any powerful person a desire to again coerce officials elected by popular vote, for they say that if they tolerate this imposition, identical at base and in form with that which caused the past revolution, those impositions will be continued indefinitely and with them Mr. Madero has broken and will continue to break the political ideals of "Effective suffrage, no reelection."

As may be seen, the object of the revolution is perfectly defined, and, on the other hand, is not for vengeance or cruelty; it is solely for the salvation of the revolutionary principles in the exact moment in which the former chief is wrecking them.

I consider it my duty to give you this news for your information and guidance.

As ever [etc.]

EMILIO VÁSQUEZ.

File No. 812.00/2693.

The American Ambassador to the Secretary of State.

No. 1204.]

AMERICAN EMBASSY,
Mexico, January 10, 1912.

SIR: I have the honor to transmit herewith for the information of the Department copies in original and translation of an article which appeared in "El Diario Oficial," the official organ of the Mexican Goverment, with reference to the relations between the United States and Mexico. I have to suggest the advisability of furnishing a copy of this article to the President, as it may perhaps be useful to him to know that the administration's policy regarding the enforcement of the neutrality laws is warmly appreciated by the Mexican Government and by its Executive.

I have [etc.]

HENRY LANE WILSON.

[Inclosure.—Translation.]

Mexico and the United States—The Integrity of the Nation.

Several newspapers of the capital have published in their columns an extensive letter written by Licentiate Andrés Molina Enriquez, addressed to the Ambassador of the United States, in which he prefers certain charges against the latter country on account of its attitude in preventing General Reyes and his associates from violating the laws of neutrality; stating in said letter, moreover, that the present Chief Executive, Francisco I. Madero, received the assistance of the Government of the United States in overthrowing General Diaz, and insinuating the idea that such action implies undue obligations on the part of our President toward said nation, and affirming that the present administration has not initiated a genuine national policy. The charges are unfounded and the insinuations are malicious.

It is not true that the Government of the United States gave the leader of the revolution, Francisco I. Madero, freedom to conduct any operations within its territory. As soon as it was known there that it was the intention of Mr. Madero to cross the frontier to press the revolutionary movement a warrant of arrest was issued against him and the vigilance displayed was so active that the greater part of the expeditions organized in that country were prevented, a large number of the sympathizers with the revolutionary cause incarcerated, and important shipments of arms and ammunition confiscated.

International law provides that no country may permit the organization of an armed expedition against a friendly nation.

The cordon of American troops placed along the frontier line during the revolution against General Díaz did not exist during the attempt of General Reyes, probably because it was not considered necessary, and it is unjust to affirm that more rigor was displayed against Reyes than against Madero. It is, however, a fact that during the revolutionary movement headed by Madero vigilance was difficult in spite of the large number of troops employed to watch the frontier, because the residents of the other side, whether Mexicans or Americans, sympathized with the revolutionary cause. This popular sentiment could not be avoided, and not only is it beyond criticism but it has been the cause of appreciation on the part of these Mexicans of the truly fraternal affection shown to them during the critical condition of our country by the great people of the United States.

That a few Reyistas and ex-Porfiristas may regret the unsuccessful venture of General Reyes is something we can easily understand, but such is not the feeling of the nation.

The statement made by Mr. Madero when he arrived at San Antonio, Texas, as a political refugee, was very clear; in order to end the revolution several loans were offered by private persons, but as they were considered burdensome for the country they were not accepted and it was decided that the struggle should continue under difficult conditions rather than incur inadmissible obligations.

The Government regrets that this open letter has been addressed to the American Ambassador, because its purpose is to disturb the very cordial relations which exist between the two countries; and it regrets that the attention of the Ambassador has been called in such an impertinent manner, as the personality of this high representative is most pleasing to the Mexican Government, due to the many proofs of friendship he has given to it, and as his mission has been discharged to this day in the most satisfactory way for both countries.

File No. 812.00/2710.

American Ambassador to the Secretary of State.

[Extract.]

No. 1224.]

American Embassy,
Mexico, January 23, 1912.

My Dear Mr. Knox: Since my dispatch of November[1] 30, 1911, the revolution inaugurated by Gen. Bernardo Reyes has run its course and to the infinite relief of all factions has come to a most ignominious, undignified, and grotesque end. The leader of this revolt, after invading Mexican territory without a single supporter, now languishes in a common jail, and the cause which he espoused is a subject for ridicule and jest. It must be understood, however, that the Reyes revolutionary movement failed not because of universal satisfaction with the Government of President Madero; nor need it be confidently inferred from the failure of this enterprise that another under a more daring, popular and able leader might not succeed. The truth is that at this moment Mexico is seething with discontent—principally among the higher and educated classes, who in the final analysis must rule this country either through a gradual conversion of the present administration or by open revolution; and but for the economic exhaustion, the imperative needs for peace and the general feeling that it is better to bear present evils than to rush blindly to those of an unknown future, it would be entirely possible for a strong leader to organize a formidable rebellion of wide extent against the Government. * * *

At this present moment the area of actual and open rebellion against the Government is not inconsiderable. On Friday last the Madero administration passed a bill through Congress suspending the constitutional guaranties (martial law) in the States of Morelos, Tlaxcala, Guerrero, and parts of Puebla and Vera Cruz. This is equivalent to a confession of that which has been for some time known to the Embassy: that in this large section of the country the Government was unable to assert its authority. But the extent of the territory in a state of practical revolt against the central Government is even greater than this, for the States of Chiapas and Tabasco and a part of the State of Yucatán are the seats of organized resistance to the Federal authority and of lawlessness and brigandage upon a vast scale. * * * A vast Federal force has been concentrated in the States of Morelos and Guerrero, but the existence of this force has only served to reveal its utter impotency, as, notwithstanding their presence, bodies of brigands under the nominal leadership of Zapata are seizing towns and villages, attacking haciendas, and committing acts of vandalism and barbarity. In some other States, like Sinaloa, Michoacán, Sonora, Guanajuato and San Luis Potosí, where the local governments have largely passed into the hands of ignorant and untrained peons of the Indian race, although the power of the Central Government is not challenged and there is no state of armed revolution, yet the decrees of the Government and its orders are ineffectual and it is unable in many cases to discharge its international and domestic obligations. I am at this present moment having to deal with numerous questions of this character and my attention is being constantly called not only to the reviving tendency to illegally confiscate American property or to deprive Americans of possession through legal methods which would be a disgrace to the civilization of the Middle Ages, but I am besieged with complaints from Americans who have been arrested on frivolous charges and confined in insanitary and loathsome jails. For the larger part of these cases I have endeavored to secure redress on my own initiative without reference to Washington, and not infrequently I have been obliged to use methods and an urgency not at all agreeable to me and perhaps not acceptable to the officials with whom I had to deal. * * *

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[1] Should be December; see For. Rel. 1911, p. 525.

The two things which are most affecting public opinion at this time—and especially foreign, financial and commercial public opinion—and increasing the distrust felt toward the Madero administration are:

First. The failure to enforce the law and the spread of lawlessness and license. * * *

Second. The dangerous tendencies toward impracticable and absurd economic measures sanctioned by the Government. * * *

Coupled with these two grave causes of discontent are the dangers resulting from the constant excitation of the public mind by the virulent and irresponsible press, which daily agitates the popular passions with exaggerated stories of political and financial intrigues, with venomous attacks on the President and his Cabinet, and, I regret to say, the United States in its relations with Mexico and other Latin-American Republics.

As the situation here develops, I am inclined to attribute the unsatisfactory conditions which exist throughout the country very largely to certain weaknesses in the character of the President, which undoubtedly affect his immediate associates and from them dilute through the entire Republic. I believe the President to be an absolutely honest man, sincere in his convictions, and devoted to his country. But he unfortunately lacks stability of character, capacity for continuous and unremitting labor, and undeviating fixed policy. He is unfortunately prone to accept the advice and seek the counsel of some relatives and some associates who have no experience in public affairs, and is also most unfortunately disposed to play, not intentionally, the demagogue, and for reasons relating to his personal popularity to deal leniently with the enemies of public order. He is, I believe, a sincere friend of our country at this time, but his environment, ideas and associations may eventually place him in a position of antagonism. At the present moment he seems to desire to deal justly, and even generously, in all matters which are brought to his direct attention by the Embassy, but as time goes on it may be doubted whether this attitude will be preserved.

I am [etc.]

Henry Lane Wilson.

File No. 312.112R56/9.

The American Ambassador to the Secretary of State.

No. 1247.]

American Embassy,
Mexico, February 2, 1912.

Sir: I have the honor to transmit herewith for the information of the Department a copy of a letter from this Embassy to the American Consul General in this city, relative to the protection desired by Mr. G. P. Robinson of the Suriana Mining and Smelting Company, as indicative of the attitude of the Embassy towards requests for protection by American citizens in districts which the Mexican Government has declared as subject to martial law.

I have [etc.]

Henry Lane Wilson.

[Inclosure.]

The American Ambassador to the American Consul General at Mexico City.

American Embassy,
Mexico, February 1, 1912.

Sir: I have to acknowlege the receipt of your letter of the 30th ultimo transmitting a copy of a letter addressed to you by Mr. G. P. Robinson, Superintendent of the Suriana Mining and Smelting Company, situated at Acotla, State of Guerrero.

This Embassy, upon the request of Mr. Westlund, of the Suriana Mining and Smelting Company, some time ago secured the dispatch of a number of soldiers to the neighborhood of its properties for the purpose of furnishing protection to it in the event of the retirement of the forces of Jesus Salgado in that direction before the advancing Federal forces. The Suriana Mining and Smelting Company, therefore, not only had anticipatory knowledge of the possibility that their property would be placed in a position where the Federal Government would not be able to render adequate aid but it had evidence of the Government's good intentions in the force which was furnished and which has recently been attacked and dispersed by the Salgado forces. Under the existing circumstances Mr. Robinson and the Suriana Mining and Smelting Company are entitled to the same measure of protection which the Mexican Government can afford to its own citizens in a district which has been declared subject to martial law. Clearly it was the duty of Mr. Robinson some time ago to have sent his family to a place of perfect security, and it is his duty now so to do if possible. Americans in Mexico are entitled under the rules of international law to the same rights and treatment as are accorded by the Government to Mexican citizens, and as the Mexican Government has declared a state of siege in this district it has virtually confessed that it can not afford adequate protection to Mexican citizens. This Embassy greatly regrets Mr. Robinson's unfortunate situation and will make proper representations to the Mexican Government in his behalf, but it is manifest that the aid which the Government can render will be inadequate pending the reassertion of its authority and the installation of responsible representatives of the law.

I am [etc.]

Henry Lane Wilson.

File No. 812.00/2731.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 3, 1912—11 p. m.

Partial order restored in Ciudad Juárez, though rebels seem still in control. No further disturbances in Chihuahua. Great uneasiness and apprehension in Torreón, from which place I have requested that no troops be withdrawn. Consul at Durango reports great uneasiness and secret meetings. In territory in southern Mexico hitherto described, situation grows worse. Zapatistas are now practically in control of all territory between Cuernavaca and Chilpanzingo. Cuernavaca cut off and surrounded by Zapatistas. Twenty-six Americans there. The general situation may be greatly complicated by a strike of the 1,200 American employees on the Mexican railways, who justly believe Government has deliberately adopted a policy aiming at their elimination. Such action would tie up the national railways and produce most deplorable situation.

WILSON.

File No. 812.00/2727.

The Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, February 3, 1912.

MY DEAR MR. PRESIDENT: For some time past the political situation in Mexico seems to have been getting more disturbing, especially in the southern portion of the Republic, and, as you know, the outbreak in Ciudad Juárez—on the north—a day or two ago has made the situation still more acute. Ambassador Wilson reports from Mexico City by telegraph as follows. [See supra, telegram of February 3.]

In view of the fact that the present Government of Mexico seems unable to control the country districts to any great degree, and that brigandage seems to be spreading, I feel that if the present movement grows, which seems at present most likely, our citizens in Mexico will suffer infinitely more in their persons and property than was the case during the recent Madero revolution, when neither side was at all willing to incur the displeasure of this Government. I think, therefore, that as a measure of precaution the War Department should be asked to strengthen the guard along the border, which has been withdrawn from time to time until but a comparatively small force now remains.

In the sending of the troops to the border I feel that it would be wise to do so quietly, so that no unnecessary animosity may be aroused.

I have [etc.]

P. C. KNOX.

File No. 812.00/2740.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 5, 1912—6 p. m.

Torreón situation better. Danger of complications at Ciudad Juárez appears to have passed for the moment. Situation in Chihuahua very bad; State government apparently helpless and governor has resigned. Orozco will be made military dictator if he remains faithful; he has the President's entire confidence. Much brigandage and lawlessness in Durango with prospects of an organized outbreak at any time. No improvement in southern Mexico. There is some excitement here on account of sensational press dispatches from the United States announcing prospective intervention. At the celebration of constitution day to-day an enormous crowd was present but the President was received without any demonstration and in silence.

WILSON.

File No.2812.00/2742.

The American Consul at Chihuahua to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

AMERICAN CONSULATE,
Chihuahua, February 5, 1912—2 p. m.

The State is a unit against the Federal Government, and open war will follow entrance any Federal troops into the State. Control of leaders over soldiers problematical and civil authorities helpless.

LETCHER.

File No. 812.00/2744.

AMERICAN CONSULATE,
Chihuahua, February 6, 1912—1 p. m.

Orozco elected governor by State congress. No action taken with reference to secession. Remarkable change in the situation within a few hours, undoubtedly attributable to fear of intervention; prospects rather more favorable.

LETCHER.

File No. 812.00/2754.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 7, 1912—1 p. m.

It is possible that in case of a sudden emergency the patrol along the border may be strengthened; the Army has been notified to be prepared for border patrol duty. But these are only precautionary steps, and the President's attitude is identical with his attitude as expressed in his message to Congress last year.

KNOX.

File No. 812.00/2746.

The Secretary of War to the Secretary of State.

[Telegram.]

W EPARTMENT,
Washingt ebruary 7, 1912.

Following telegram, dated El Paso, Texas, February 6, 1912, from Colonel Edgar Z. Steever, Fourth Cavalry, commanding Fort Bliss, Texas, repeated for your information:

> Thirteen mounted and armed Mexicans invaded United States territory at Noria, New Mexico, thirty miles west of El Paso today. Immediately sent detachment by train which captured the whole outfit and sixteen horses. Prisoners now in guard house. Railroad officials afraid the Mexicans intended to hold up express trains; Noria only two miles north of international boundary. Juárez continues tranquil.

H. L. STIMSON.

File No. 812.00/2755.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 7, 1912—10 p. m.

There are indications of common action in the border States excepting Tamaulipas. Casas Grandes has rebelled against Government; Government anticipates worse situation at Ciudad Juárez; 1,500 insurgents threaten Santa Rosalía; strikes at the Madero establishments at Parras; unconfirmed reports of troubles in Matamoros, opposite Brownsville; Federal authority nonexistent in Chihuahua. In the south the same situation prevails: outbreaks in State of Vera Cruz; practical anarchy in Michoacan; disturbances in Hidalgo. In this city there is almost universal lack of confidence in the Government; unrest and apprehension are profound; press violent and inflammatory in its attitude toward Government, and portions of it anti-American.

WILSON.

File No. 812.00/2751.

The American Consul at Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
(Juárez) El Paso, Tex., February 7, 1912.

Casas Grandes local authorities have declared against the Government. Railroad communications between Juárez and that section abandoned. That portion of my district is reported to be wholly in the control of the anti-Madero followers, who are making demonstrations against the Americans. They have made a demand of the people of the colonies (Mormons) to surrender their firearms (their private property). This demand the Americans will resist, and serious trouble is feared. I will send a written protest to said local officials, using to some extent the language of one year ago as given by the Ambassador.

THOS. D. EDWARDS.

File No. 812.00/2751.

The Secretary of State to the American Consul at Juárez.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 10, 1912.

Department approves your proposed action, as stated in your telegram February 7, concerning protest to anti-Maderists now in power at Casas Grandes against taking firearms from Americans. You should make your protest emphatic, and base it on the ground that Americans must not be left without means of defense to protect themselves during the present unsettled conditions against marauding robbers.

Knox.

File No. 812.00/2751.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 10, 1912—2 p. m.

Report received from our consul at Ciudad Juárez that at Casas Grandes anti-Madero followers are making anti-American demonstrations, particularly Mormon colonists, and demand surrender of their arms. You will bring this information at once to the attention of the Mexican Government, and, making all necessary reservation regarding injuries and damages, emphatically protest against the taking of firearms from American citizens in Mexico, either by Federals or revolutionists, on the ground that American citizens would be left without means of protecting themselves from marauding robbers during the prevailing widespread lawlessness. You will make an especially urgent request for whatever alleviative action is possible at Casas Grandes.

Knox.

File No. 812.00/2771.

The Secretary of War to the Secretary of State.

[Telegram.—Extract.]

War Department,
Washington, February 12, 1912.

Following telegram * * * from commanding general central division dated Chicago, Ill., February 11, 1912, repeated for your information:

> Steever wires to department headquarters, 10th: "Turned Mexican prisoners, captured Noria, over to proper civil authorities. Retained arms and mounts at request Mexican consul, who claims belong to his Government. Recommend they be delivered to him. * * *"
>
> Potts, *Commanding.*

Henry L. Stimson.

File No. 812.00/2782a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 12, 1912.

The following instruction has to-day been sent to all consular officers in Mexico:

> Through the local press and otherwise, and as under instructions to do so, you are authorized officially to deny all foolish stories of intervention. Nothing could be further from the intention of the Government of the United States, which has the sincerest friendship for Mexico and the Mexican people, to whom it hopes will soon return the blessings of peace. This Government is not concerned with Mexico's internal political affairs, and demands nothing but the respect and protection of American life and property in Mexico. You will use the language of this instruction.
>
> You will observe the strictest impartiality and in nowise interfere between contending forces, counseling Americans in your district to act likewise. You will, however, make it entirely clear to the local authorities and all factions that American citizens and their property must be protected.
>
> KNOX.

Inform the American Consulate General, Mexico City.

KNOX.

File No. 312.11/94a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 12, 1912—5 p. m.

The Department receives occasional inquiries whether it is safe for Americans to remain in particular parts of Mexico. The policy of the Department now is to leave all Americans to follow their own judgment on this question, unless at any time a well-defined part of Mexico should become sharply differentiated from the rest of the country as peculiarly perilous. In that case Americans might be advised to leave that locality.

If later on, contrary to the hopes of this Government, the situation grows steadily worse, the Department will consider the question of instructing all consular officers in Mexico to give public notice, through the press and otherwise, to all Americans in their district that, because of the prevailing lawlessness and the failure of the Government to preserve order and tranquility, all American citizens are advised to return for the present to their own country and that claims for all losses sustained by this action, or through injury to American citizens or their property, will at the proper time be presented to the Mexican Government.

KNOX.

File No. 812.00/2800.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Ciudad Juárez (via El Paso, Tex.), February 15, 1912.

The Madero Government is recognized here, but conditions very unsettled. The Casas Grandes section (western Chihuahua), however, is still against the Government. They control and refuse to allow the operation of the Northwestern Railroad out of this city. They have undisputed control of that country to the United States line and are passing goods of every kind into Mexico via Palomas at one-half of the regular tariff duties.

A street car here loaded with United States soldiers, fully armed, after crossing the international bridge, continued its course in Mexico until stopped by the Mexican custom guards. Demonstrations of protest have continued during the day and much feeling against the Americans is in evidence. All Americans have crossed the line.

Thos. D. Edwards.

File No. 812.00/2814.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, February 16, 1912—7 p. m.

Desperate condition in State of Durango, with conditions of anarchy throughout and Durango City defenseless. I have made appropriate representations in this connection in person, and am promised Federal troops. Saw the President this morning; he informed me that he intended to abandon his policy of conciliation and to exercise the utmost severity.

Wilson.

File No. 812.00/2820.

February 18, 1912—12 noon.

Serious conditions in Sinaloa, with many complaints from Americans and no protection outlying cities. Messengers arriving at Saltillo report 3,000 mounted rebels before Torreon. Armed revolution exists States of Pueblo and Tlaxcala, and some towns have been taken. Condition in Morelos and Guerrero the same.

Government will probably ask Congress to suspend constitutional guaranties throughout the Republic.

Vásquez Gómez, by proclamation from San Antonio, assumed provisional presidency to-day.

Wilson.

File No. 812.00/2840.

February 20, 1912—5 p. m.

Railroad destroyed 40 miles south of Guadalajara, and frequent revolutionary rumors throughout State of Jalisco. Increase of local garrison urgent, and representations have to-day been made to the Mexican Government. A well-known American resident on the Isthmus of Tehauntepec reports a state of affairs there which may at any moment result in a general uprising dangerous to life and property. This has been informally brought to the attention of Minister for Foreign Affairs, as have conditions in Oaxaca, where a general uprising is feared.

WILSON.

File No. 812.00/2833.

The Acting Secretary of State to the American Ambassador.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 20, 1912—6 p. m.

Department informed by American Smelting & Refining Co. of an especially serious condition at their plants at Velardena and Asarco. Asarco is in the hands of a drunken mob, and lives of Americans there in constant danger. Make urgent representations to Mexican Government, with usual reservation of reclamation rights, and earnestly request that sufficient troops be sent to the disturbed district to insure order. If the Mexican Government is unable to afford protection, you may in your discretion advise Americans to leave that particular locality.

HUNTINGTON WILSON.

File No. 812.00/2889.

The American Ambassador to the Secretary of State.

[Extract.]

No. 1270.]

AMERICAN EMBASSY,
Mexico, February 20, 1912.

MY DEAR MR. KNOX: Since my January 23, 1912, events in Mexico have moved with startling rapidity over a wide extent of territory, indicating in the most forceful way the great measure of discontent, the general unrest, and the fulfillment in no inconsiderable degree of the predictions which I have made in former despatches relative to the inability of the present administration to carry out the political program under which it assumed the Government. * * *

At the beginning of the Madero administration the supporters of General Diaz, the leading members of the Catholic Party, the representatives of old families, and the commercial, financial, and foreign interests, realizing that Madero had been honestly elected to the presidency and eagerly desirous of the maintenance of peaceful and orderly conditions, were inclined to give him a formal though reluctant support, but his weak and vacillating policy in the suppression of lawlessness and his disposition to compromise with crime and disorder rather than to punish them have caused the profoundest feeling of disgust and distrust among these elements, and from what I am able to ascertain they would gladly assist in his downfall but for the fear of the anarchy which would most likely ensue and the possible intervention of the Government of the United States, to which most, but not all, of them are opposed. * * *

In the midst of all these difficulties the economic situation grows steadily worse. Haciendas are suffering for want of laborers to till the soil and tend the flocks. Factories are closing on account of strikes or the interruption of railway traffic. Mines are closing down on account of marauding bandits, and merchants are carrying stocks for which there are no buyers. * * * Another impending difficulty in the economic situation is the threatened strike of the 1,200 American employees on the Mexican National Railways. This strike is being considered and may be precipitated at any moment unless the Mexican Government positively recedes from the position it recently assumed requiring all railway employees to pass an examination in the Spanish language. As not 5 per cent of these American employees can speak sufficiently well to pass an examination in the Spanish language, they correctly interpreted the announcement of this requirement as the signal of the Government's determination to gradually eliminate them from the service. A strike at this moment would be appalling in its consequences, as it would close factories, interrupt all traffic with the United States, raise the price of foodstuffs, and prevent the transportation of troops. Realizing this, I went to the President with Mr. Calero and persuaded him to take my view of the situation, and he finally promised that he would recall the obnoxious order. This, however, has not yet been done, and the railway men are becoming increasingly impatient and will soon pass beyond the influence which I have been able to exert over them.

I have recently been so deeply impressed with the danger of the situation and so profoundly apprehensive of the responsibilities which the downfall of the Madero Government would place upon our Government that in addition to affording this Government every particle of information and advice which I thought of use or benefit, I have most discreetly and carefully, through reliable persons generally, but directly in two instances, endeavored to induce leading members of the Catholic Party, of the old régime, and of the commercial elements of the city to make some demonstration of a public character, coupled with a tender of service and support as might have a moral effect on the country at large. I believe such a movement is now under contemplation.

Most of the people in the south are Zapatistas, though I understand there are followers of Vásquez Gómez. In the States of Chihuahua, Durango, and a part of Coahuila, in the north, there is active rebellion, and in the States of Sonora, Zacatecas, Jalisco, and Guanajuato there is unrest and widespread lawlessness. These people call themselves adherents of Vásquez Gómez.

In the meantime the President remains serene and optimistic—an honest man, a man of high ideals and patriotic purposes, dealing with a situation which he comprehends very slightly.

I am [etc.]

HENRY LANE WILSON.

File No. 812.00/2865.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, February 21, 1912—5 p. m.

With reference to your telegram of yesterday, 6 p. m., I am informed by the manager of the American Smelting & Refining Co. that all children and women have left Asarco and Velardena. With regard to the conditions in those places I have made urgent oral representations to the Mexican Government, but if the Department considers it advisable that the American men should leave as well as the women they will be so advised by me.

WILSON.

File No. 812.00/2856.

AMERICAN EMBASSY,
Mexico, February 22, 1912—8 p. m.

Situation in Sinaloa is graver; entire Culiacan district has risen. Consul reports Americans being mistreated and robbed and have applied to the American consul at Mazatlan (Alger) asking when, in the absence of protection by the Mexican Government, they can expect it from the Government of the United States. Consul has been notified of the sending of this telegram, and also instructed to advise Americans where possible to remove to a place of safety. The American interests in this section are very great in property, and I believe some energetic action necessary.

WILSON.

File No. 812.00/2871.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Ciudad Juárez (via El Paso, Tex.), February 23, 1912.

Discontent and disorganization growing. A general exodus to the United States continues and attack on Juárez expected. Railroad traffic not attempted.

EDWARDS.

File No. 812.00/2884a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 24, 1912—11 a. m.

The President feels that his duty and public opinion absolutely forbid toleration of any repetition of injury to Americans on American soil, as now threatened at Juárez, and he is disposed to give public warning that in such emergency he would be obliged to order troops to cross the line, as a police measure, and to disarm or drive away from Juárez any fighting forces threatening life in El Paso, thereafter returning.

Inform the Department of your judgment in reference to the proposed action for the safety of Americans in Mexico generally, and also your judgment whether or not to advise them to withdraw at this time.

HUNTINGTON WILSON.

File No. 812.00/2884.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, February 24, 1912—3 p. m.

Department's February 24, 11 a. m. Should the President deem it necessary for the protection of American lives to order troops across the line at Ciudad Juárez as a police measure, such action should be accompanied by a full statement of the reasons and necessities therefor, indicating the intention to immediately withdraw troops after the restoration of order. What effect this action would have with reference to the safety of Americans in Mexico generally can not be certainly stated, though in all probability there would be attempted attacks in besieged portions of the Republic, notably Guadalajara and this city, from which places there would be echoes in other parts of the Republic.

It is perhaps wise to risk the error on the side of safety and advise the withdrawal of Americans from Mexico. Department should consider the advisability of handling the matter in such manner as may procure a speedy and effectual withdrawal should attacks on Americans become wholesale and the Government unable to afford protection; and whether a large number of Americans leaving the country would not bring on the attacks which the Department desires to prevent.

WILSON.

File No. 812.00/2888.

AMERICAN EMBASSY,
Mexico, February 24, 1912—9 p. m.

Supplementing my February 24, 3 p. m., I suggest the wisdom of making it clear in any possible declaration relative to the crossing of the frontier at Ciudad Juárez that it is a part of Mexico in rebellion against the Federal Government and that our action is not unfriendly but friendly in character to the constituted authorities. Further, that in case the action contemplated is taken, demonstrations in force be made on the frontier and war vessels be immediately despatched to Guaymas, Mazatlan, Manzanillo, Acapulco, and Salina Cruz and on the Atlantic to Tampico and Vera Cruz. Americans throughout the Republic are generally armed, and it will be possible to organize a force of Americans and other foreigners in this city sufficient to afford protection. I shall take steps in that direction when the necessity appears in the Department's telegrams.

Ciudad Juárez will probably be taken without a contest, but it should be well understood that if we cross the frontier line there the possibilities are that we shall ultimately have to go farther.

Intervention which is not thorough and which will not secure permanent guaranties will be resented by Americans in Mexico. The feasibility of instructing me to warn Mexican Government against any contemplated action at Ciudad Juárez which might involve the loss of American lives in El Paso should also be considered.

WILSON.

File No. 812.00/2825.

The Acting Secretary of State to the Mexican Ambassador.

No. 121.]

DEPARTMENT OF STATE,
Washington, February 26, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note No. 1041, of the 16th instant,[1] written in pursuance of telegraphic instructions from your Government, in which you request this Government to give a precise explanation as to the passage of 25 American soldiers across the frontier at Ciudad Juárez and into Mexican territory.

In reply I have the honor to say that this Government desires to express to you its sincere regret for this unfortunate occurrence and to request that your excellency will be good enough to convey this expression to the Mexican Government.

The full details of this untoward incident are not now available, but a recital of the facts as they are at present known will be sufficient, it is believed, to satisfy your excellency's Government in its desires for an explanation. It appears that on the morning of the 15th instant, Lieutenant Feild and 19 men of the Eighteenth Infantry were ordered to proceed to the Santa Fé Street Bridge, in El Paso, to relieve a detachment already stationed there. In carrying out these orders Lieutenant Feild started for his destination in a street-railway car. The route of the car line is south on Stanton Street, across the Stanton Bridge, and into Ciudad Juarez, where it turns to come north to Santa Fé Bridge and the American side. Being ignorant of the topography of El Paso and the route of the car line, and assuming that he was entitled to ride all the way to his destination, Lieutenant Feild did not heed the notification of the corporal stationed at the Stanton Street Bridge that he should dismount and walk to the Santa Fé Bridge, and so remained in the car and thus crossed into Mexico. Colonel Steever, who is in command of the United States forces at El Paso, has made an appropriate apology to the Mexican consul at El Paso for the error of Lieutenant Feild, who has been subjected to the action of a court-martial and will be suitably punished for his unfortunate action.

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[1] Not printed. See consul's telegram from Ciudad Juárez, Feb. 15, second paragraph.

In conclusion I have the honor to again express to your excellency the regret of this Government and to say that it is hoped, in view of the explanation herein made, that the incident may be considered closed.

Accept [etc.]

HUNTINGTON WILSON.

File No. 812.00/2865.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 26, 1912—1 p. m.

The Department's February 20, 6 p. m., referred to in your February 21, 5 p. m., contemplated American citizens, that is, men as well as women and children.

HUNTINGTON WILSON.

File No. 812.00/2942.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, February 27, 1912—5 p. m.

A member of the National Permanent Commission stated to a member of this Embassy staff last night that if American troops crossed the boundary at Ciudad Juarez, Americans here would be generally massacred. I called upon Foreign Minister Calero this morning and asked for guaranties for the protection of Americans and other foreigners in Mexico, informing him that unless this was done I should feel obliged, with the greatest regret, to publicly warn Americans of their danger. At the same time I called his attention to the danger to which this would subject Mexicans from intemperate elements in the border States. Mr. Calero said that the most minute precautions had been taken for the protection of Americans and other foreigners in this city and other places, but that his great fear was of what might occur at isolated points. He promised to confer with the President and the governor of the Federal District and see me later in the day.

WILSON.

File No. 812.00/2943.

AMERICAN EMBASSY,
Mexico, February 27, 1912—6 p. m.

Emilio Vásquez Gómez, who is now in San Antonio, is apparently the leader of the revolutionary movement directed against this Government. It is evident that in our interests as well as in the interest of the Mexican Government he should either be expelled from American territory or, under a liberal interpretation of the present neutrality laws, subjected to imprisonment. Either course would have a beneficial effect.

WILSON.

File No. 812.00/2940.

AMERICAN EMBASSY,
Mexico, February 27, 1912—10 p. m.

Consular agent at Torreón reports conditions throughout the Laguna district very critical, with provisions hardly sufficient for two weeks. Situation dangerous at mines and haciendas, which are now completely isolated. More than 1,500 foreigners in Torreón and no railway and infrequent telegraph service. Says 53 Americans are holding the Velardena mining camp against insurgents and have driven them off, but expect them to return ~~in~~ larger force, and ask protection. I have made vigorous representations and have advised the German minister, who is deeply interested.

In the State of Vera Cruz situation grows worse generally and a band of insurgents, estimated from 1,000 to 2,000, is invading the Tamaulipas and Vera Cruz oil district, where millions of American money are invested and a large American population resides. Have made representations.

WILSON.

File No. 812.00/2959.

AMERICAN EMBASSY,
Mexico, February 28, 1912—10 p. m.

Mr. Calero asks me to inquire whether the open telegraphic letter of Emilio Vásquez Gómez to President Madero,[1] sent him San Antonio, and published in the Associated Press here and in the United States, would not constitute sufficient grounds to justify the Government of the United States in taking immediate action against him.

I am also requested to ask our Government to exercise full rigor with reference to the importation of arms and ammunition at Ciudad Juárez.

WILSON.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

File No. 812.00/2956.

AMERICAN CONSULATE,
Ciudad Juarez (via El Paso, Tex.), February 28, 1912.

Ciudad Juárez is now in the hands of the anti-Maderists. They call themselves Liberalistas. The forces of General Salazar and

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[1] [From the New York Times of February 25, 1912.]

When you became President only part of the State of Morelos was in rebellion. To-day, on account of the action of the Government, this rebellion has spontaneously extended to the greater part of the country and will continue to extend. This is true.

In the conscience of citizens, foreigners, and yourself and for reasons we will not discuss, this condition makes the return of peace impossible. The result, if you continue resisting the numerous revolutionary movements by military force, will not be in pursuit of a peace already impossible; and your resistance will oblige all Mexicans to continue killing each other without other result, for you, than to assume the grave responsibility of causing the shedding of more Mexican blood, to prolong and make more intense the state of disorder, and each day to make more distant the return of peace, which all desire so urgently. In this respect your responsibility to the country, the world, and history is immense.

To obviate such great evils and the perils which such things can only engender, I believe it to be my patriotic duty to appeal to your patriotism, inviting you, as I have, in the name of the country to return to the revolution the power which it gave to you, and which return of power I ask to-day, according to the "plan of Tacubaya," in the name of and to comply with the "plan of San Luis Potosí." In this way there would be no further killing of our brothers, these armed revolutionary movements would cease at once, and peace would descend on the country, with tranquillity and confidence for all interests, and for all consciences, which it is urgent to obtain and assure.

Will your patriotism give the country this great blessing? Upon you it exclusively depends.

Rojas have now joined General Campa, making about 1,200 men and 300 horses here. They have set up a local government and will collect duty on imports. They are orderly and commit no depredations.

It is rumored that General Villa, with his command of 500 men, sent out by the Government to quiet the disturbance, have declared against Madero and will in a few days join those now in this city and march against Chihuahua.

EDWARDS.

File No. 812.00/3004.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, February 29, 1912.

MY DEAR MR. AMBASSADOR: Referring to our conversation on the 28th instant, when you again urged that this Government take some drastic action in relation to Mr. Vásquez[1] at San Antonio, Texas, it is my duty to inform your excellency that, although the greatest circumspection is being exercised, there has not, up to the present time, been proven on the part of Mr. Vásquez any act which falls within the statutes of the United States.

I may remark that your excellency will gain a clear idea as to the legal aspects of such cases by referring to the correspondence of the Department with your Embassy during the Madero revolution; for example, the letter of December 1, 1910,[2] aide-mémoire of January 23, 1911,[3] and the letter of June 7, 1911.[4]

I am [etc.]

HUNTINGTON WILSON.

File No. 812.000/3005.

DEPARTMENT OF STATE,
Washington, February 29, 1912.

MY DEAR MR. AMBASSADOR: When I had the pleasure of seeing you yesterday you said that the Mexican Government had decided to close Juárez to international commerce, and that you were instructed to request that the Government of the United States give orders to the Federal authorities in El Paso absolutely to prevent shipments of contraband of war to the insurrectionists in Juárez.

It will at once be evident to your excellency's Government that the suggestion now made regarding contraband of war would immediately involve such considerations as that whether, in fact, there was a state of belligerency in the present situation.

I am [etc.]

HUNTINGTON WILSON.

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[1] Vásquez Gómez.

[2] See For. Rel. 1911, pp. 370–371.

[3] Id., p. 303.

[4] Id., pp. 501–502.

File No. 812.00/2973.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 29, 1912—7 p. m.

Your February 20, 6 p. m. The President of Mexico expressed his opinion to-day that the situation in Mexico was improving greatly. He said that soldiers had arrived at Velardena and that all Americans in that place are safe. He stated that in Morelos and the south the situation was rapidly improving and that he expected that soon there would be in the Laguna district ample troops to restore order. He added that he would give his immediate attention to the situation in the oil district and that he would send a gunboat to Tuxpan. While I have no information to corroborate the optimistic views of the President, the Department is entitled to them, I believe, in drawing its own conclusions.

WILSON.

File No. 812.00/2959.

The Acting Secretary of State to the American Ambassador.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, March 1, 1912—7 p. m.

The Department has addressed two notes to the Mexican Embassy relating to your February 28, 10 p. m. One states that no act has been proved on the part of Vásquez Gómez which falls within the statutes of the United States; the other, that the suggestion of the Mexican Government as to the prohibition of the exportation of "contraband of war" raises considerations as to whether a state of belligerency exists in Mexico. Otherwise this Government can find no ground for altering the position it assumed last year when Maderistas were in control of Juárez—namely, that exportations to Juárez can not be prohibited.

HUNTINGTON WILSON.

File No. 812.00/2990.

DEPARTMENT OF STATE,
Washington, March 1, 1912—5 p. m.

A telegram from consul at Chihuahua via El Paso, dated February 29, states Americans at Velardena, besieged since 23d, had a fight with rebels on 27th, driving them off, but that the need of immediate protection or escort to Torreón is imperative.

Immediately and most urgently represent to Mexican Government that the needs of Americans at Velardena must be given preference and that an adequate force be sent at once to their relief.

HUNTINGTON WILSON.

File No. 312.112 R 56/11.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, March 1, 1912—6 p. m.

Nine American citizens, including G. P. Robinson, wife and son, and one British subject, fled before threatened assaults at the

Suriana mine in the State of Guerrero, took refuge in Telolcapan and urgently requested aid. I made urgent personal representations to the Department of Gobernacion, which sent instructions to General Vego to furnish an escort. British Minister has made similar representations. I will also make usual representations to Foreign Office.

WILSON.

File No. 812.00/2994.

AMERICAN EMBASSY,
Mexico, March 1, 1912—10 p. m.

I answered Department's March 1, 5 p. m., in my February 29, 7 p. m. Representations were made several days ago, and the best information I have now is that a military force is at Velardena and found the Americans all well.

WILSON.

File No. 812.00/3008.

AMERICAN EMBASSY,
Mexico, March 2, 1912—12 noon.

Refugees arriving at Acapulco report intolerable conditions in Chiapas. Many American planters in Tabasco without protection are preparing to leave. Our military attaché believes conditions not improved in Morelos or Guerrero. The situation grows steadily worse in Tlaxcala and Puebla and there is now organized rebellion in Vera Cruz, where great devastation is being committed. For the first time I have to report disorders and armed movements in Tamaulipas. Practically all of the States of Chihuahua and Durango, with a part of Coahuila and a large portion of Zacatecas, have apparently passed out of the control of the Federal Government. In Sinaloa and Michoacan there are armed movements and in Hidalgo trouble in anticipated. The American emigration from all parts of the Republic, and especially from this city, continues to be very heavy.

WILSON.

File No.812.00/3005d.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 2, 1912—2 p. m.

Referring to all recent telegraphic correspondence, you are now instructed in your discretion to inform Americans that the Embassy deems it its duty to advise them to withdraw from any particular localities where conditions or prospects of lawlessness so threaten personal safety as to make withdrawal the part of common prudence, specifying localities, if any, from which withdrawal may at any time seem advisable, and stating that in any such cases consuls may take such charge of abandoned effects as may be possible under the circumstances.

HUNTINGTON WILSON.

File No. 812.00/3005c.

The Acting Secretary of State to the American Ambassador.

[Telegram.]

Department of State,
Washington, March 2, 1912—3 p. m.

The following proclamation by the President is promulgated to-day:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas serious disturbances and forcible resistance to the authorities of the established Government exist in certain portions of Mexico; and

Whereas under these conditions it is the duty of all persons within the jurisdiction of the United States to refrain from the commission of acts prohibited by the law thereto relating and subversive of the tranquility of a country with which the United States is at peace; and

Whereas the laws of the United States prohibit under such circumstances all persons within and subject to their jurisdiction from taking part contrary to said laws in any such disturbances adversely to such established government; and

Whereas by express enactment if two or more persons conspire to commit an offense against the United States, any act of one conspirator to effect the object of such conspiracy renders all the conspirators liable to fine and imprisonment; and

Whereas there is reason to believe that citizens of the United States and others within their jurisdiction fail to apprehend the meaning and operation of the applicable laws of the United States as authoritatively interpreted and may be misled into participation in transactions which are violations of said laws and which will render them liable to the severe penalties provided for such violations;

Now, therefore, in recognition of the laws governing and controlling in such matters as well as in discharge of the obligations of the United States towards a friendly country, and as a measure of precaution, and to the end that citizens of the United States and all others within their jurisdiction may be deterred from subjecting themselves to legal forfeitures and penalties;

I, William Howard Taft, President of the United States of America, do hereby admonish all such citizens and other persons to abstain from every violation of the laws hereinbefore referred to, and do hereby warn them that all violations of such laws will be rigorously prosecuted; and I do hereby enjoin upon all officers of the United States charged with the execution of such laws the utmost diligence in preventing violations thereof and in bringing to trial and punishment any offenders against the same; and finally I do hereby give notice that all persons owing allegiance to the United States who may take part in the disturbances now existing in Mexico, unless in the necessary defense of their persons or property, or who shall otherwise engage in acts subversive of the tranquillity of that country, will do so at their peril and that they can in no wise obtain any protection from the Government of the United States against the appropriate legal consequences of their acts, in so far as such consequences are in accord with equitable justice and humanity and the enlightened principles of international law.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 2d day of March, in the year of our Lord one thousand nine hundred and twelve, and of the Independence of the United States of America the one hundred and thirty-sixth.

[SEAL.] Wm. H. Taft.

By the President:
Huntington Wilson,
Acting Secretary of State.

The foregoing proclamation is not a declaration of neutrality, nor a recognition of a state of belligerency in Mexico; it is merely an admonition and warning to all persons within the jurisdiction of the United States and to American citizens generally to obey carefully and strictly the laws of the United States and to hold themselves wholly aloof from all participation of whatever kind in the present disturbances in Mexico. You will make all this quite clear to the Mexican Government.

Coincidental with this promulgation the Department is giving to the press this afternoon the following, not as a statement but for their guidance:

> The following telegram was made public by the Department of State to-day [Department's telegram of March 2, 2 p. m.]:
>
> Strong hope is expressed that the Government of President Madero will soon be able to put an end to the brigandage and disorder in those parts of Mexico where these factors are the most serious aspects of the insurrectionary outbreaks and that in this way Mexico will gradually return to normal conditions.
>
> The President's proclamation adjuring Americans and all other persons within American jurisdiction to hold aloof and to make no use of American territory for the disturbance of the neighboring Republic is fresh evidence of the determination of the administration to let the Mexicans settle their own difficulties. without influence, one way or the other, from outside. It is hoped that good may result through making this clear and through breaking up, so far as possible, various propaganda being carried on in this country.
>
> It will be observed that the proclamation is not a declaration of neutrality nor is it in any way a recognition of a state of belligerency in Mexico; it is merely an admonition and warning to all persons within the jurisdiction of the United States, and to American citizens generally, to obey carefully and strictly the laws of the United States, and to hold themselves wholly aloof from all participation of whatever kind in the present disturbances in Mexico.
>
> The situation in Mexico changes from day to day, conditions being fairly good in large areas, but there have been so much lawlessness and so many depredations upon property in certain localities that a good many Americans have left the worst districts, and a great many inquiries and representations are reaching both the Department of State and the Embassy at Mexico City. It has, therefore, been thought best to authorize the Ambassador, who has the best opportunities to know the local situation, to advise any Americans, when he thinks it wise to do so, to leave this or that particular locality where the lawless element may have gained temporary ascendancy.
>
> As is well known, it has always been and is the determined purpose of the President absolutely to avoid any intervention in Mexico. This fact is understood to have actuated the Department of State in thinking it right that any Americans in Mexico who may be resident in really dangerous places should be placed in a position to consider their temporary removal to be a measure of prudence.
>
> The attitude of the administration. as shown by the President's proclamation, and by the instructions published to-day, is taken as fresh evidence of the fixed policy of nonintervention. and it is hoped that there will now be an end to foolish rumors of intervention.

This is communicated to you so that you may cause the friendly, patient, and considerate attitude of this Government to be fully appreciated and prevent misinterpretation.

HUNTINGTON WILSON.

File No. 812.00/3053a.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, March 2, 1912.

MY DEAR MR. AMBASSADOR: I inclose for your excellency's information a copy of a proclamation by the President of the United States which is being promulgated to-day, which will make evident to your excellency the great desire of the President to prevent any improper use of American territory as a basis for participation in anyway whatsoever in the present Mexican disturbances.

I beg leave to inclose also, for your excellency's information, copy of what I shall give to the press to-day, not as a statement but for their guidance.

I am [etc.] HUNTINGTON WILSON.

File No. 812.00/3027.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua (via Eagle Pass, Tex.), March 3, 1912—3 p. m.

All the reports from border are alarming. Excitement high here on account intervention rumors resulting from meager news arriving by telegraph from Paso del Norte of President's proclamation advising Americans to keep out of danger zone. This is construed as warning to leave country, and private messages give color to this construction. Governor has disappeared. Villa is attacking Orozco, a few miles from town, this morning. Former for Government and the latter against.

LETCHER.

File No. 812.00/3005d.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, March 3, 1912—8 p. m.

In a press report dated March 2 from Mexico City there is what purports to be a quoted statement from the American Embassy specifying certain localities as dangerous. The quoted statement says "the Department of State deems it its duty to advise all Americans," etc., instead of "the Embassy deems it its duty," etc. The alleged statement also quotes the Embassy as implying that our action reduces the responsibility of the Mexican Government. The Department fears that the Mexican press, especially along the border, may be misinterpreting the President's proclamation and the Department's telegram to the Embassy and printing distorted versions. You should secure public emphasis of the absence of any intention whatsoever on the part of this Government to intervene in Mexico, and if there is any chance of misunderstanding in the consular districts the Embassy should send telegrams to make absolutely clear to the consular officers a situation which is so clear in the light of the Department's telegram of yesterday.

HUNTINGTON WILSON.

File No. 812.00/3048.

The American Ambassador to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

American Embassy,
Mexico, March 4, 1912—4 p. m.

I gave to the press the following statement on March 2, which may serve as response to Department's March 3, 8 p. m.:

> Owing to the disturbed condition in Mexico and the lawlessness prevailing in many sections with which the Government, with the best intentions, can not at all times cope, the Department of State at Washington deems it its duty to advise all Americans at present residing in localities known to be dangerous or in isolated spots where protection can not be afforded to remove without delay therefrom, leaving in all cases, where possible, their property or abandoned effects in charge of the nearest American consular officer.
>
> For the present the American Embassy indicates specifically as dangerous localities in the north the States of Chihuahua, Durango, a part of Coahuila, and a part of Zacatecas; and in the south, the States of Morelos, Guerrero; the district of Culiacan, in the State of Sinaloa, and certain undefined districts in the States of Vera Cruz and Puebla. Americans residing in these localities should immediately withdraw therefrom, pending the reestablishment of order and the procurement of guaranties for the safety of their lives and property.
>
> The purpose of this notice is not only to secure the safety of American lives, but also to reduce in some measure the responsibility of and demands upon the Mexican Government.

The word "responsibility," as the Department will see, is not used in the sense of the press reports referred to. The explanation of the Department contained in the Department's March 2, 3 p. m., I had inserted verbatim in the leading papers here, along with the proclamation. I have not heard of any misinterpretations or criticisms of this Embassy's notice, and I think the President's proclamation is now fully understood by the Mexican Government and public generally.

Wilson.

File No. 812.00/3033.

American Embassy,
Mexico, March 4, 1912—10 p. m.

The Mexican Government understands and appreciates in its right sense the President's proclamation and has authoritatively said so in the press. Unfortunately there are many foolish Mexicans and Americans who construe the proclamation wrongly, and these misconceptions I am endeavoring to correct. A very large emigration of American women and children from Mexico City is taking place, due to malicious rumors and publications that Mrs. Wilson was leaving Mexico. This also I am endeavoring to correct. The news throughout the country is not reassuring.

Wilson.

File No. 812.00/3027.

The Acting Secretary of State to the American Consul at Chihuahua.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 4, 1912.

Your March 3, 3 p. m. Make the widest and most emphatic public denial of any intention whatsoever on the part of this Government to intervene in Mexico. Make this statement as under express instructions to do so.

HUNTINGTON WILSON.

File No. 812.00/3016.

The Secretary of War to the Secretary of State.

[Telegram.]

WAR DEPARTMENT,
Washington, March 4, 1912.

SIR: Brigadier General Duncan, commanding Department Texas, telegraphs from Fort Sam Houston, Tex., March 4, the following:

> From Colonel Steever:
> "Fighting in Chihuahua began this morning. Villa, loyal to Madero, attacked Orozco, who quit Madero 1st instant. Salazar, appealed to by Orozco, is entraining men to go south to Orozco's assistance. Probably over 4,000 rebels in Juarez, largely mounted. Additions daily. More disorder in Juarez not improbable."

H. L. STIMSON.

File No. 812.71/8a.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, March 4, 1912.

MY DEAR MR. AMBASSADOR: Referring to Señor de la Cueva's call at the Department this morning, when he saw Mr. Dearing and asked him whether Mexican mails routed through Ciudad Juárez could be delivered to the Mexican consul at El Paso, Tex., for distribution, I beg to inform you that under the rules of international law a foreign port in the hands of insurgents (except where ingress or egress from such port is physically prevented by blockade or otherwise by the parent government) is regarded as if it were still in the hands of the parent government and so open to the intercourse and commerce of other nations.

This Government does not feel, therefore, that it has any legal basis for prohibiting the routing of mail through Ciudad Juárez when that is the only point through which mails destined to that section of the country can be dispatched. Moreover, as it would be manifestly improper for a postmaster of a foreign country to exercise his functions within the territory of the United States, still more would it be improper for such functions to be exercised by a foreign consul; and accordingly mail pouches can not properly be delivered to a consul. I may add, however, that official mail addressed to officials of the established government can probably be delivered to a consul, and that if mail can reach its destination through any other point than Ciudad Juárez it may be so routed.

I am [etc.]

HUNTINGTON WILSON.

File No. 812.00/3057.

The American Consul at Chihuahua to the Secretary of State.

[Telegram—Paraphrase.]

American Consulate,
Chihuahua (via El Paso, Tex.), March 5, 1912—11 a. m.

The warning to leave isolated points issued to Americans by Ambassador can not be communicated to the hundreds of Americans in remote mining sections without special messengers. I request definite instructions. Railway communications closed nearly everywhere. Dictatorship exists here now. Communications closed south in order to prevent apprehended advance Federals against Chihuahua.

Marion Letcher.

File No. 812.00/3054.

The American Ambassador to the Secretary of State.

[Telegram—Paraphrase.]

American Embassy,
Mexico, March 5, 1912—2 p. m.

The Minister for Foreign Affairs has again called my attention most urgently to the circumstance that the Mexican Government is imperiled by the enormous importation of arms and ammunition through the port of Ciudad Juárez, and asked me to call the attention of my Government to the fact that the belligerency of the Madero revolutionary movement was practically recognized by the Díaz Government at a certain stage of its progress, but that the present Mexican Government has no intention of treating with the rebels in arms but intends fighting to the bitter end, realizing that they are fighting not only for the maintenance of the present Government but for the integrity of Mexico, as the President's advisers believe that only anarchy could follow the fall of this Government; in that event they doubt that the Government of the United States could deny protection to its great interests in Mexico and its duty to civilization by refusing to intervene. Mr. Calero asked that our Government might find a way to stop the importation of arms and ammunition in some thoroughly effectual manner.

Wilson.

File No. 812.00/3059.

The Mexican Ambassador to the Acting Secretary of State.

[Telegram.]

Mexican Embassy,
Washington, March 5, 1912—8.30 p. m.

In compliance with instructions I have received from my country I have the honor to say to you that my Government does not advert to contraband of war, but only asks that, since the rebels are not belligerents, the introduction of arms and war material through the port of El Paso be prevented, as said introduction would involve a violation of the neutrality laws of the United States. I beg you kindly to apprize me of the decision of the Government of the Nation of which you are a part, and I can not but expect that, in justice and in view of this Government's friendship for that of Mexico, it will be favorable, so that I may forward it by telegraph to my Government.

GILBERTO CRESPO Y MARTÍNEZ.

File No. 812.00/3057.

The Acting Secretary of State to the American Consul at Chihuahua.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 6, 1912—4 p. m.

Your March 5. The Embassy, in advising Americans to leave Chihuahua, is acting upon information from your Consulate as to conditions in your district, and must, from the very nature of the case, therefore, depend upon your discretion both as to the necessity of warning Americans to leave particular localities and the means of conveying this warning to them.

HUNTINGTON WILSON.

File No. 812.00/3087a.

The Acting Secretary of State to the American Ambassador.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 6, 1912—7 p. m.

All Latin-American missions have been instructed as follows:

> The Department desires that in case the disturbed conditions in Mexico which have prevailed for the past year or more attract public attention or become the subject of conversation you will not neglect any suitable occasion in conversation to promote appreciation of the friendly and patient attitude of this Government. Conditions in Mexico are undeniably bad and both Americans and foreigners are in a precarious situation. The United States has been obliged to station some troops on the frontier, but merely[1] as a deterrent to prevent a repetition of the occurrence of last year, when firing into American territory from Mexico resulted in the killing and injuring of American citizens on American soil, a repetition of which, as was recently threatened at El Paso, could hardly be tolerated.
>
> This Government is continuing to exercise the greatest forbearance under the great difficulties presented. The President has issued a proclamation warning and admonishing all persons within the jurisdiction of the United States and to American citizens generally strictly to obey the law by holding absolutely aloof from the disturbances in Mexico and the Embassy at Mexico City was authorized in its discretion to advise American citizens to leave such most dangerous places as the Embassy might specify. The President's determined purpose of no intervention has been again emphasized.

HUNTINGTON WILSON.

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[1] For an amendment to this sentence see, post, telegram of March 20 to the American Minister to Cuba.

File No. 812.00/3068.

The American Ambassador to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

American Embassy,
Mexico, March 6, 1912—10 p. m.

The municipal council of Mexico City has issued a call to all friends of order, foreign or native, to arm themselves for the purpose of assisting the Government in maintaining order. I do not myself regard the danger here as immediate or great, but precautionary measures may be wise in preventing what many fear. I therefore intend taking the same action, but more effectively, which the Department instructed me to take during the revolution against General Diaz.[1] In the discussion with my European colleagues they expressed disapproval of the course of our Government in permitting the shipment of arms and ammunition across the frontier to the revolutionists.

Wilson.

File No. 812.00/3090.

American Embassy,
Mexico, March 7, 1912—10 p. m.

The American colony in Mexico City held a meeting to-day and appointed a committee to act in conjunction with the committees of other colonies for the protection of foreign interests. As the local authorities have advised all foreigners to arm for protection and as the governor of the Federal District has advised me of his willingness to arm the foreigners, and as other diplomatic representatives are attending the meetings of their nationals, I deemed it my duty to be present and during the meeting, which was attended by from 500 to 1,000 men, I counseled all Americans to a strict observance of the law, obedience to local authorities, avoidance of participation in Mexican politics, and to tender their services to the local government solely in the interest of law and order and for the protection of life and property. This rule will be strictly observed by all foreigners. I think it advisable that the Department should advise me exactly what my course should be in this situation.

Wilson.

File No. 312.115D69.

The Acting Secretary of State to the American Consul at Juárez.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 7, 1912.

The Department has received from the Dolores Mines Co., El Paso, a request[2] that you take charge $51,000 worth silver and gold bullion and harbor in consulate until it can be legally exported. They have been informed that under existing conditions Department can not authorize or permit you to receive on deposit bullion or money.

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[1] See For. Rel. 1911, pp. 477, 479, 481, 489, 492–493, 497–498, 506.

[2] Not printed.

HUNTINGTON WILSON.

File No. 812.00/3103.

The American Ambassador to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 8, 1912—10 p. m.

The representatives of the great powers met at the Embassy to-day and requested me to ask the Mexican Government for definite guaranties of safety for foreigners in Mexico City.

WILSON.

File No. 812.113/221.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, March 8, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's telegram of the 5th instant, in which, in connection with your excellency's memorandum of February 28[1] and my informal reply thereto of February 29, regarding the introduction of arms and munitions of war into the Mexican port of Ciudad Juarez, Chihuahua, you state that your Government does not refer to contraband of war but wishes only, in view of the fact that rebels are not belligerents, that the introduction through the port of El Paso of arms and munitions of war be prevented, since their introduction would involve a violation of the neutrality statutes of the United States.

In reply I have the honor to inform your excellency that notwithstanding the fact that the Government of the United States entertains the most friendly regard for the Government of Mexico, and is actuated in the present situation by a sincere desire to fulfill every obligation resting upon it by the utmost demands of justice, it is not able, after a very careful consideration of the matter, to take the same view regarding the introduction of arms and ammunition into Ciudad Juarez as, it may be inferred, is held by your excellency's Government. The Government of the United States has the sincerest desire and intention of enforcing the laws relating to such transactions not only with the utmost impartiality, but with the greatest rigor, and to that end it has taken, is now taking, and will continue to take every legal available means to see that its duty in the premises is fully met, but your excellency will, of course, appreciate that it would be most unwise and unsafe, as well as repugnant to morality, for this Government or its agents to attempt to take any action which was not warranted by law.

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[1] Not printed.

In this connection I am constrained to call to your attention the obvious fact that since there is now no recognized state of belligerency in Mexico the rules and laws governing warfare and the conduct of neutrals are not involved. In other words, under the present situation, so far as the commerce of Mexico with other countries is concerned, the status is one of peace and no interdiction of any kind exists against commerce in any form outside the jurisdiction of Mexico. If any commerce now actually carried on is contrary to the laws of Mexico, as now existing and in force, it seems quite obvious that the Government of Mexico must itself enforce such laws within its own jurisdiction. But even if there were now a state of recognized belligerency, I beg to call to your excellency's attention the fact that commercial traffic in arms and ammunition would be in no wise prohibited. This is shown by the provisions of The Hague convention "Respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land," which provides in article 7 that—

> A neutral power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

An earlier article provides that—

> Corps of combatants can not be formed nor recruiting agencies opened on the territory of a neutral power to assist the belligerents. (Art. 4.)

But, as a still later article stipulates—

> The responsibility of a neutral power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents. (Art. 6.)

Your excellency will thus observe that even if a state of war existed the acts concerning which representations are made would not be contrary to the rules of international law, and, as your excellency is aware, it is the well-known practice of merchants of neutral countries to furnish munitions of war to one or both of contesting belligerents.

The situation is somewhat different, however, with reference to the so-called neutrality statutes which have been enacted by this Government, which, going beyond the provisions of international law, as set forth in the above-quoted extracts of the convention, do make illegal certain acts specified in the statutes, even when no state of belligerency exists, such acts being directed against the established government of a country with which this Government is at peace. But, as your excellency will at once recognize, and as has been heretofore declared by this Department, the duties of neutrality under the law of nations can not be either expanded or contracted by national legislation. The United States, for instance, has here in excessive caution required from its citizens duties more stringent than those imposed by the law of nations; but those statutes, while they may make offenders penally liable in this country, do not themselves put either these persons or this Government under any extraterritorial obligation. Our own statutes bind only our own Government and citizens and those within our jurisdiction. If they impose on us a larger duty than is imposed upon us by international law, they do not correspondingly enlarge our duties to foreign nations. Since, therefore, these statutes only qualify as offenses certain specified transactions which would not otherwise have such character, and, therefore, since under these circumstances only those acts are bad which are really prohibited, it is evidently necessary that the act complained of should clearly fall within the statutes in order that it may be regarded as illegal.

Your excellency will observe that these so-called neutrality statutes do not, any more than the general laws of neutrality, prohibit the mere commercial exportation of arms and ammunition, and, that being true, the Executive is, under them, powerless, however much it might in any given case wish to do otherwise, legally to prevent this traffic so long as it remains purely commercial and is unconnected with any other act prohibited by the statutes.

It will therefore be quite clear that, under the principles of international law, as above indicated, as well as under the so-called neutrality statutes of this country, the mere commercial sale of supplies in El Paso to Mexicans, whether insurrectos or supporters of the Government, and their simple delivery across the border, can not be looked upon as a violation of international law or of the so-called neutrality statutes. This Government can not but admit that the possession of a border port like Ciudad Juarez by insurrecto forces gives the insurrectos a great advantage; but the duties and rights of this Government and of persons within its jurisdiction to carry on legitimate business are in nowise changed.

I therefore, have the honor to inform your excellency that unless guns and ammunition and any other merchandise are sent to Ciudad Juarez under circumstances showing that their transportation is within the inhibitions of the law and the statutes above referred to, the Executive has no option but to allow them to pass into Mexican territory as the subject of legitimate commerce.

Accept [etc.]

HUNTINGTON WILSON.

File No. 812.00/3090.

The Acting Secretary of State to the American Ambassador.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 9, 1912—7 p. m.

Inform Department more precisely as to matters mentioned in your March 6, 10 p. m., and March 7, 10 p. m., as to reason why local authorities are advising foreigners to arm for protection, as to ability of authorities to prevent or control mob outbreaks, and as to what is the particular danger feared.

The Department approves the course you have followed as reported and perceives no necessity for instructing you specifically. It will continue to depend upon your discretion in such new situations as may come about, and will expect you as usual to confer with it whenever circumstances demand explicit instructions. For the present the Embassy should confine itself to admonishing Americans who are perfecting their plans for defense that they are taking these measures solely to protect themselves against the lawlessness of possible mob outbreaks, and particularly that except for the absolute protection of their lives they should most carefully guard against being drawn into the doing of any acts which may be construed as partisan, pointing out the disastrous effects such acts would undoubtedly have upon the lives and property of Americans elsewhere in Mexico.

HUNTINGTON WILSON.

File No. 812.00/3124.

The American Ambassador to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, March 10, 1912—11 a. m.

The injunctions contained in the second paragraph of the Department's March 9, 7 p. m., have already been carried out in precisely the manner suggested. An international organization will be perfected as soon as possible. A representative committee has been formed, which will take no step, either in policy or action, except after consultation with me, and I shall only permit them the most unquestionably correct procedure. The British, German, Spanish, French, and Italian colonies and the Mexico City Chamber of Commerce are organizing.

WILSON.

File No. 812.00/3154.

AMERICAN EMBASSY,
Mexico, March 11, 1912—10 p. m.

The German Minister called to-day to inform me that he had been instructed to pursue a course analogous to that of our Government in removal of Germans from dangerous localities and if necessary from the country.

The organization of Americans and other foreigners in Mexico City is going forward with great success.

The President's proclamation, after being fully read and understood, has had a most beneficial effect.

WILSON.

File No. 812.00/3194.

The Mexican Ambassador to the Acting Secretary of State.

[Translation.]

No. 1143.]

MEXICAN EMBASSY,
Washington, March 11, 1912.

EXCELLENCY: In compliance with instructions received by telegraph from the Department of Foreign Relations of my country, I have the honor to say to your excellency that the Government of Mexico is making energetic efforts, with every means at its command, to suppress the revolutionary movement of the low classes of the country, the only ones that Emilio Vázquez Gómez has succeeded in stirring up from San Antonio, Tex., for the great majority of public opinion has no desire but the earliest restoration of peace. If the agitation has found any echo, chiefly among a portion of the people of the State of Chihuahua, it is due solely to the ease with which arms, munitions, and war material can be obtained from private persons in this country, find their way into Ciudad Juarez, and fall into the hands of the said rebels, no way having yet been found to stop that trade. The result is that while the Mexican Government is concerning itself, as in duty bound, with the tranquillity of the country and all its inhabitants, among whom are a number of citizens of the United States, and with looking after the inviolability of the property belonging to each one, those who rebel against its authority easily obtain from this country all the elements necessary to inflict direct or indirect injury upon the residents of Mexican territory.

It is to be deplored that the neutrality laws of this country do not duly answer their purposes, because there are many important points they do not cover; but this does not and can not afford sufficient ground for the Government and people of the United States, great and good friends of Mexico, not to take any measure calculated to prevent the consummation of acts which, like those above pointed out, come within the province of international duties. The United States, through its Secretary of State Hamilton Fish, said to the British Minister Motley (7 Moore's International Law Digest, 1015): "No sovereign power can rightfully plead the defects of its own domestic penal statutes as justification or extenuation of an international wrong to another sovereign power."

Wherefore, invoking the same principle laid down by this country when it found itself in a similar case, it is to be hoped, and the Government of my country has warrant to hope, that measures will be ordered by this country's Government, of which your excellency forms part, intended to prevent the continuance of the acts above noted, in view of the cordiality and good friendly relations existing between the two countries.

Awaiting your honorable answer, I have [etc.]

GILBERTO CRESPO Y MARTÍNEZ.

File No. 812.00/3226.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 14, 1912—11 a. m.

Following telegram from Consul Alger at Mazatlan:

MARCH 13—11 A. M.

Americans, also Mexicans, arriving; some barely escaped death. Many robbed and quite destitute. Government powerless except in cities; entire southern district invaded by bandits. War vessel Mazatlan would relieve the situation and be welcomed by all nationalities, including Mexicans.

Will Department please telegraph me or Consul Alger its decision?

WILSON.

Joint resolution of Congress.

[Public Resolution.—No. 22. S. J. Res. 89.]

JOINT RESOLUTION To amend the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution to prohibit the export of coal or other material used in war from any seaport of the United States, approved April twenty-second, eighteen hundred and ninety-eight, be, and hereby is, amended to read as follows:

That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Sec. 2. That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding ten thousand dollars, or imprisonment not exceeding two years, or both.

Approved, March 14, 1912.

Proclamation by the President.

By the President of the United States of America.

A PROCLAMATION.

Whereas a Joint Resolution of Congress approved March 14th, 1912, reads and provides as follows: "That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress";

And whereas it is provided by Section II of the said Joint Resolution "that any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding ten thousand dollars, or imprisonment not exceeding two years, or both":

Now, therefore, I, William Howard Taft, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to Mexico, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted. And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of March, in the year of our Lord one thousand nine hundred and twelve, and of the Independence of the United States of America the one hundred and thirty-sixth.

[SEAL.] WM. H. TAFT.

By the President:

HUNTINGTON WILSON,
Acting Secretary of State.

File No. 312.112 R56/9.

The Acting Secretary of State to the American Ambassador.

No. 762.]

DEPARTMENT OF STATE,
Washington, March 14, 1912.

SIR: The Department has received your No. 1247 of the 2nd ultimo, transmitting a copy of a letter addressed by you to the Consul General at Mexico City in regard to the protection of Mr. G. P. Robinson, in which you indicate the attitude of your Embassy toward requests for protection by American citizens in districts in which the Mexican Government has declared martial law.

The Department notes your statement to the Consul General that

> Americans in Mexico are entitled under the rules of international law to the same rights and treatment as are accorded by the Government to Mexican citizens, and as the Mexican Government has declared a state of siege in this district it has virtually confessed that it can not afford adequate protection to Mexican citizens.

In this connection your attention is invited to the following statement of the law on this point as it is set forth by Mr. Blaine, Secretary of State, to the American Chargé d'Affaires at your post, in instruction No. 430, dated January 5, 1891:

> To sustain this denial of redress Mr. Mariscal has invoked the familiar rule that the measure of protection and of privilege to which foreigners residing in a country are entitled is that which the government of the country accords to its own citizens. As a general proposition, this rule is undoubtedly acceptable; but its applicability is by no means universal. Where the question to be determined is the measure of private rights and remedies under the municipal law, the rule above stated may, with certain well-settled exceptions, readily be adopted. But, where a government asserts that its citizens in a foreign country have not been duly protected, it is not competent for the government of that country to answer that it has not protected its own citizens, and thus to make the failure to perform one duty the excuse for the neglect of another.
>
> It is true that in this way foreigners may enjoy an advantage over the citizens of a country. This, however, is not a matter for foreign governments to consider. They have no power to regulate the relations of another government to its citizens; nevertheless, they are bound to ask that their own may be protected.
>
> (Moore's Digest, vol. vi, pages 803-804.)

I am [etc.]

HUNTINGTON WILSON.

File No. 812.113/218.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, March 15, 1912—5 p. m.

It is impossible for the arms and ammunition committee of the American colony organization to secure sufficient arms and ammunition for their purposes. They have formally requested me to ascertain from our Government whether 500 rifles, with necessary ammunition, can be sold, loaned or given to the organization, and, if sold, at what price. Are there not some Krag-Jorgensens out of use at San Antonio? The governor of the Federal District is well disposed.

Wilson.

File No. 812.113/216a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 16, 1912—7 p. m.

Your March 5, 2 p. m., and March 6, 10 p. m. In conveying the text of the following proclamation to the Mexican Government you will say:

> As an evidence of the deep and abiding friendship of the American nation for Mexico and the Mexican people, for whose welfare this Government wishes to show its sympathetic concern, and for your excellency's information, I have the honor to convey to your excellency the following proclamation which has been issued under date of March 14, 1912, by the President of the United States, whose earnest desire is that the blessings of peace and prosperity shall soon return to the Mexican nation.
>
> [Here follows the proclamation of March 14, ante.]

Huntington Wilson.

File No. 812.113/216.

The Acting Secretary of State to the Mexican Ambassador.

No. 134.]

Department of State,
Washington, March 16, 1912.

Excellency: I have the honor to acknowledge the receipt of your excellency's note No. 1143, of the 11th instant, in which, in view of the cordial and amicable relations existing between our two countries, you express the hope, as you have been instructed by your Government to do, that prompt measures be taken by the Government of the United States to prevent the exportation of arms and munitions of war by private individuals in this country through the port of Juarez, now in the control of rebel forces, into Mexican territory.

In reply I have the honor to refer your excellency, in so far as the applicability of the governing rules of international law and the provisions of the statutes of the United States are concerned, to the Department's note to your excellency of the 8th instant, which sets forth the position taken by this Government not only under and in accordance with the principles of international law (which remain now, as heretofore, entirely unaffected by legislation of this Government), but also the position which, under our so-called neutrality statutes, it was necessary for this Government to take prior to the passage by Congress of the joint resolution dated March 14, the substance of which was communicated to your excellency personally on the evening of the same day. However, the Congress of the United States, voicing the desire of the President and of the American people that the Mexican nation shall be restored to conditions of domestic tranquility, desiring to do everything this Government might properly do to contribute to such a state of tranquility, and in the hope that the present unrest in Mexico shall soon pass away, has so modified existing statutes germane to the exportation of arms and munitions of war from this country as to inhibit, under conditions named, the exportation of any such materials from any place in the United States to any country specified until otherwise ordered by the President or by Congress. This action was taken not because of any obligation so to do resting upon this Government by reason of the rules and principles of international law, which obligations were already far more than met by the existing so-called neutrality statutes of the United States, but solely from a sincere desire to promote the return of peace to Mexico and the welfare of a neighboring nation.

In pursuance of the powers conferred upon him, the President, on the 14th instant, by proclamation, gave the force of law to the provisions of the joint resolution so that at the present moment the exportation, within the meaning of the statute, of any arms or munitions of war from any place in the United States into the Republic of Mexico is prohibited and is therefore unlawful, and penalties for engaging in such exportation are prescribed.

In requesting that your excellency will be good enough to transmit to the Mexican Government the copy of this proclamation which will be found accompanying this note it is hoped that your excellency will have the kindness to point out that it is an evidence of the deep and abiding friendship of the American nation for Mexico and the Mexican people and an earnest of its constant and impartial determination against even negative participation in the domestic difficulties of Mexico, to which it is the sincere and earnest desire of the President that the blessings of peace and prosperity may soon return.

This action should be construed, therefore, not only as an act of friendship, but should be considered as a strong incentive to every possible and proper effort to reestablish throughout Mexico at the earliest possible time the reign of law and order.

Accept [etc.]

HUNTINGTON WILSON.

File No. 812.113/218.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, March 16, 1912.

DEAR MR. PRESIDENT: Since the issuance of your proclamation of the 14th instant by which it is made unlawful to export arms and munitions of war from any place in the United States to Mexico, with the proviso that such exportation can be lawfully made only in accordance with such exceptions and limitations as you may deem it necessary to make, the question of exceptions, as was foreseen, has come before the Department, up to the present time, only in three aspects.

In so far as shipments of arms and munitions to the Madero Government are concerned the Department feels that any exception at the present time would be most unwise, as it would tend to imply that this Government specifically desires to favor the Madero Government and would thus cause reprisals on the part of the revolutionists, and possibly some overt act which would lead to most serious consequences.

The Department also feels that it would be, for the present certainly, unwise to permit special shipments of large amounts of explosives to private enterprises in Mexico, as they would be subject, just as they have been all along, and particularly in disaffected districts, to seizure by rebel or Federal forces or by both, and if so seized would tend to defeat the purpose of the joint resolution of Congress and of your proclamation.

In the third instance, however, which is one arising in connection with a telegram from the Embassy at Mexico City, reading substantially as follows:

> Finding it impossible to secure sufficient arms and ammunition for their purposes, the arms and ammunition committee of the American colony organization have formally requested me to ascertain from the Government of the United States whether 500 rifles, with the necessary ammunition, can be loaned, sold, or given to the organization. If the rifles and ammunition can be sold, they desire to know the price thereof. Are there not at San Antonio some Krag-Jorgensens out of use? While the governor of the Federal District is well disposed, he has few arms and what he has are inferior.

the Department feels most strongly that a due regard for the safety of American citizens at that place makes it incumbent upon this Government, in spite of the evident possibility that the transportation of the arms and munitions that may be sent to the Americans in Mexico may be attended with danger, to make an exception to the general order declaring the exportation of arms and munitions of war from any place in the United States to Mexico unlawful and to permit their shipment. They should, however, be consigned to the American Ambassador in Mexico City, and he should be required to satisfy himself before turning them over to the committee of the American colony organization that they will not be used nor be liable to be used in any way so as to promote domestic disorder. It may be observed in this connection that if Americans in other sections or places should require arms and ammunition, shipments thereof could be sent to them by having the arms in question consigned to the nearest consul, who shall then, in the same way as in the case of the arms consigned to the Ambassador, assume the responsibility for the use that is to be made of them.

In order to carry out and make effective the exception which this Department believes desirable in the case of the Embassy, it is submitted that you will doubtless wish to follow the form of the orders issued in the case of Santo Domingo in pursuance of the provisions of joint resolution No. 25,[1] Fifty-fifth Congress, second session, April 22, 1898, and I therefore have the honor to inclose a suggested draft of such order[2] prepared to meet the requirements of the situation in Mexico and specifically the case of the American colony organization in Mexico City. All action of this character presupposes, of course, the consent or acquiescence of the Mexican authorities, which, in the instance of Mexico City, has already been given.

The importance of this matter prompts me to request that you will be good enough to give it such early consideration as your other duties will allow.

I have [etc.] HUNTINGTON WILSON.

File No. 812.113/218.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 17, 1912—10 p. m.

Your March 15, 5 p. m., and Department's March 16, 7 p. m. I quote for your information presidential order governing the exportation from this country of coal and other munitions of war to the Republic of Santo Domingo, in accordance with joint resolution 25, Fifty-fifth Congress, second session, April 22, 1898:

> It is ordered that the export of the articles below described be, and is hereby, permitted under the terms of, and notwithstanding the proclamation of October 14, 1905,[3] prohibiting the export of arms and munitions of war from any port in the United States or Porto Rico to any port in the Dominican Republic. [Here follows the enumeration of arms or ammunition.]

It is probable that similar procedure will now be followed in the case of Mexico.

The possibility of obtaining rifles and ammunition for the arms and ammunition committee of the American colony organization is being investigated. If they can be secured they will be consigned directly to you, with the understanding that you are to deliver them only to such Americans as shall satisfy you that the use to which they are to be put is wholly that of their personal defense, and that there is no possibility of their falling into the hands of anyone or of their being used in any way that would promote domestic disorder in Mexico.

The President's proclamation of March 14 applies impartially to all shipments of arms and munitions of war from this country destined to Mexico, and for the present, for obvious reasons, no exceptions are being made. It is feared that shipments, even for industrial purposes, might be seized and used to promote domestic disorder.

HUNTINGTON WILSON.

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[1] See Department's March 17, 10 p. m., to the American Ambassador, below.

[2] Not printed.

[3] See For. Rel. 1905, p. 399.

File No. 812.00/3263.

The American Ambassador to the Secretary of State.

[Telegram.—Extract.]

AMERICAN EMBASSY,
Mexico, March 17, 1912—10 p. m.

The optimistic feeling which prevailed in this city at the beginning of the week has changed for the worse and the American and foreign exodus has recommenced. This situation is due, I think, to the following causes:

First: The dangerous situation to the south and the engagements in the immediate suburbs of this city;

Second. The public protests by the followers of Madero against the return of de la Barra, which reveal possibilities of violence;

Third. The accentuation of the economic crisis; and

Fourth. The graphic descriptions in the daily press of vandalism and savagery throughout the Republic.

WILSON.

File No. 812.00/3286.

The American Consul at Acapulco to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Acapulco, March 18, 1912—9 a. m.

There are now twenty-seven Americans in Acapulco and five more coming in a few days. A great many will shortly leave for the United States on vessel due next Friday, and all would do so if previously advised. What shall I advise? Presence of relief vessel as suggested would inspire confidence, I believe. I regret to inform you that even all the Government officers are commencing to betray unfriendliness. They are skeptical about intervention, and any step our Government takes will be subject to misinterpretation.

EDWARDS.

File No. 812.00/3280.

The American Consul at Frontera to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Frontera, March 18, 1912—4 p. m.

If I may circulate in the form of a circular letter the President's proclamation, dated the 2d March, relative to disturbances in Mexico, I believe it will create an excellent impression among the authorities and all classes. The State is entirely peaceful and Americans not molested.

LESPINASSE.

File No. 812.00/3063.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, March 18, 1912.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence with regard to Mr. Emilio Vásquez Gómez, I beg to inform you that in a letter dated March 3 the Attorney General reported to the President that the Department of Justice has had Mr. Gómez under careful observation for some time past, but that he has been carefully advised by counsel and up to the present time that Department has been unable to discover any violation by him of the so-called neutrality statutes of the United States. The Attorney General adds that the writing of letters in this country and the forwarding of them through the United States mails into Mexico, inciting an uprising in Mexico against the Government there, is not a violation of our neutrality laws. The Attorney General states that he will continue to follow Mr. Gómez carefully and should any provision of our statutes be violated his arrest will immediately be ordered.

I am [etc.]

HUNTINGTON WILSON.

File No. 812.00/3280.

The Acting Secretary of State to the American Consul at Frontera.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 19, 1912—5 p. m.

You may circulate the President's proclamation, March 2, as you propose, but its language should be in nowise altered and great discretion should be used.

HUNTINGTON WILSON.

File No. 812.00/3068.

The Acting Secretary of State to the American Ambassador.

[Extract.]

No. 769.]

DEPARTMENT OF STATE,
Washington, March 19, 1912.

SIR: In connection with all correspondence relating to the matter of the exportation of arms and munitions of war from the United States into Mexico, and with particular reference to the statement in your telegram of March 6, 10 p. m., that in the discussion with your European colleagues they "expressed disapproval of the course of this Government in permitting the shipment of arms and ammunition across the frontier to the revolutionists," the Department deems it necessary to remark that the Department's study of this question appears quite clearly to indicate that their Governments in a like situation would probably not take a position materially different, if indeed so strong.

The principles of international law, which remain now, as heretofore, entirely unaffected by the legislation of this Government, did not require the prohibition of such exportation, no matter what administrative means other Governments might, as a matter of grace in any given case, have recourse to, as a practical expedient, and the so-called neutrality statutes of this Government as they existed prior to March 14, although they appear to go far beyond the neutrality statutes of other nations, would just as little have justified such prohibition.

I am [etc.] HUNTINGTON WILSON.

File No. 812.00/3087a.

The Acting Secretary of State to the American Minister to Cuba.[1]

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 20, 1912—6 p. m.

After the words "but merely," last sentence first paragraph, of Department's March 6, 7 p. m., insert the words "to prevent smuggling and any other infractions of our so-called neutrality statutes and."

HUNTINGTON WILSON.

File No. 812.00/3365.

The American Ambassador to the Secretary of State.

[Extract.]

No. 1320.] AMERICAN EMBASSY,
Mexico, March 20, 1912.

MY DEAR MR. KNOX: Since the date of my February 20, 1912 [No. 1270], the area of revolution and disorder has materially increased in some parts of the Republic and decreased in others. On the whole, I think the Government's position is less secure and its authority more restricted than they were a month ago. Since that time the State of Chihuahua has passed entirely out of the control of the Government; a new State organization has been created there and from within its territories a militant force has been recruited, with the sympathy and assistance of adjoining States, to march upon the capital of the Republic. It will probably be able to retain control of the State of Chihuahua and perhaps ultimately of the State of Sonora and remain a menace and a threat to the existence of the present Government of the Republic. * * *

Coming south from these border States, which with the exception of the State of Nuevo León are all affected by the revolutionary movement, we find in the States of Guanajuato, Zacatecas, and

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[1] Same to all Latin-American missions.

Aguascalientes many disorders, and in some parts a strong revolutionary movement.

In the State of Mexico and the south, southeastern, and southwestern States, stretching to the Isthmus of Tehuantepec, the Government in its strenuous efforts to save the situation in the north has visibly weakened its effectiveness and given an opportunity for a revival of the revolutionary movement under Zapata and various other rebel chiefs. * * *

Americans, believing that they had nothing to fear here [Mexico City] except mob violence, have, since the perfection of their organization for the defense of their homes and property, been inclined to look more cheerfully on the situation. According to the reports made to me they will in case of necessity be able to concentrate within a fairly short time a well armed and equipped body of 1,200 men. The Germans are also well organized, and have succeeded in securing two machine guns. The Spanish, French, and English colonies are also organized and armed. I have carefully advised our nationals to avoid everything which could possibly give offense to Mexican public opinion, to indicate clearly that they wish simply to be aids to the officers of the law in the protection of property and their own homes, and that under no circumstances must they allow themselves to be drawn aside from the clearly defined purpose of their organization. I anticipate no difficulties on this score.

The President's proclamation of March 2, 1912, and the notice to Americans by this Embassy, which was issued in conformity therewith, at first produced considerable excitement and some misinterpretation, which I believe was due almost entirely to the deeply rooted belief which had been in the mind of everyone that whenever intervention had been determined upon it would be heralded by a presidential proclamation. After a few days, however, the real intent and true meaning of the proclamation was understood and its reassuring effect on Americans and its sobering one on Mexicans can not be doubted or questioned. The President's proclamation of March 14, 1912, had a most excellent effect in official and diplomatic circles, where our alleged contribution to the strength of the rebellion has been a matter of frequent and severe criticism. But I have yet to note a single expression of appreciation from the press or from any prominent man in unofficial life. This singular lack of comprehension of our benevolent and patient attitude under most trying circumstances toward the Mexican Republic and the almost national tendency to forget great and substantial benefits conferred, and to loudly call attention to trivial offenses, is a psychological condition which it is wise to understand and to always anticipate, and in our dealings with Mexico it will be well to be satisfied with the knowledge that our actions will stand the test of impartial history and may not be impeached in the wider domain of Latin-American public opinion.

I am [etc.]

HENRY LANE WILSON.

File No. 812.113/235a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 21, 1912—11 a. m.

Refer to Department's March 17, 10 p. m. There are no available arms at San Antonio, but the War Department states that all arms and ammunition needed can be shipped via New York and Vera Cruz at once, consigned military attaché, who shall sell them only as directed by you. Price, Krag-Jorgensen carbines, War Department's preference, $6.40 gold; rifles, same make, $7.40 gold; and ammunition $15 per thousand rounds. You will arrange for necessary permit for entry of shipment, and inform Department quantity needed, and whether desired at once.

HUNTINGTON WILSON.

File No. 812.113/236.

The Mexican Ambassador to the Secretary of State.

[Translation.]

No. 1170.]
MEXICAN EMBASSY,
Washington, March 21, 1912.

EXCELLENCY: In compliance with telegraphic instructions received from my Government, I have the honor to apply for your excellency's good offices to obtain from the President of the United States of America a declaration under the head of exceptions spoken of in his proclamation of the 14th instant permitting the shipment to Mexico of the following arms and ammunition intended for my Government: Three hundred carbines and 40,000 cartridges that are detained at Presidio, Texas; 15 cases with 150 rifles and 70 cases with 70,000 cartridges that are also detained at Shafter, Texas; and the armament and park which the consul of Mexico at El Paso, Texas, forwarded to General Sanjinés at Ojinaga, and which were detained by the authorities of this Government at Marfa, Texas.

I thank your excellency for such action as you may be pleased to take on this request and beg [etc.]

GILBERTO CRESPO Y MARTÍNEZ.

File No. 812.113/239.

The Mexican Ambassador to the Acting Secretary of State.

[Telegram.—Translation.]

MEXICAN EMBASSY,
Washington, March 21, 1912.

I have just received telegram from Department of Foreign Relations of my country which says it is urgent for General Sanjinés at Ojinaga to receive as soon as possible arms and ammunition that are now detained at Marfa, Tex., so that he may make prompt and vigorous preparations for any emergency.

I shall be obliged to you if you would obtain from His Excellency the President the special permit therefor, which will be duly acknowledged by my Government.

CRESPO.

File No. 812.113/237.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 21, 1912—10 p. m.

Mr. Calero, the Minister for Foreign Affairs, has called to request the Embassy to recommend that the President, in the exercise of powers conferred upon him by the recent amendments to our neutrality laws, issue instructions that a shipment of arms transmitted by the Mexican consul at El Paso to General Sanjinés at Ojinaga and detained at Marfa, Texas, be allowed to pass the frontier. This will prevent an engagement at Ojinaga on the Rio Grande and maintain a force in opposition to Orozco, according to the Minister.

WILSON.

File No. 812.113/241.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 22, 1912—12 noon.

I am informed by the American colony committee that they desire 1,000 Krag-Jorgensen rifles at price stated and 250,000 cartridges therefor, to be shipped by Ward Line steamer leaving New York [next Thursday?].

Attention is called to the fact that the military attaché has no right of entry, and I request instructions as to course resulting therefrom.

WILSON.

File No. 812.00/3348.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua (via El Paso, Tex.), March 22, 1912—3 p. m.

There are press reports of prohibition entry foodstuffs through Paso del Norte, which will cause much bitterness toward Americans. In this event mines can not continue beyond two weeks at any rate, and so think better close at once and Americans withdraw. It seems to me that such action coupled with strict enforcement the President's proclamation will effectively stifle the revolution. Unless otherwise instructed will counsel withdrawal Americans and closing mines immediately upon notice of the President's approval of action prohibiting exportation food through Paso del Norte.

LETCHER.

File No. 812.113/242.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, March 22, 1912—6 p. m.

Department's March 21, 11 a. m., and my March 22, 11 a. m.[1] The committee of the American colony desire me to add to the order 1,000 field-service belts and to increase the number of rifle cartridges from 250,000 to 1,000,000.

WILSON.

File No. 812.113/243.

AMERICAN EMBASSY,
Mexico, March 22, 1912—9 p. m.

Government candidate Obregón was elected president of Congress to-day by 30 majority out of 178.

Representatives of many American mining companies have called at Embassy to-day to advise me that the prohibition of the importation of dynamite will soon cause the shutting down of all mines and the discharge of some 20,000 employees, who will immediately join the forces of disorder.

WILSON.

File No. 812.113/249a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 24, 1912—7 p. m.

Would it be impossible by shipping dynamite through Vera Cruz to the City of Mexico to supply the needs of the mines?

The President's proclamation does not affect clothing, dry goods, hardware, and foodstuffs, and Treasury Department has issued orders to its officers on the Mexican border to admit properly invoiced and manifested shipments.

HUNTINGTON WILSON.

File No. 812.113/249b.

The Acting Secretary of State to the American Consul at Chihuahua.[2]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 24, 1912—7 p. m.

The President's proclamation of March 14 does not affect clothing, dry goods, hardware, and foodstuffs, and Treasury Department has issued orders to its officers on the Mexican border to admit properly invoiced and manifested shipments.

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[1] See Mar. 22, 12 noon.

[2] Same to consuls at Nogales, Ciudad Porfirio Diaz, Ciudad Juárez, Laredo, and Ensenada.

Exemption of dynamite for mines and other industrial purposes is still under consideration by the Attorney General. Keep Department closely informed about this.

HUNTINGTON WILSON.

File No. 812.113/251.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 25, 1912—11 a. m.

Mr. George W. Cook and Mr. Emanuel Beck, wealthy and responsible Americans in Mexico City, desire from patriotic motives and on their own responsibility to order an additional 1,000 rifles, 1,000 field-service belts, and 1,000,000 cartridges, to be shipped with and in the same manner and for the same purpose as represented in the order sent through the Department by telegram dated March 22, 12 noon, and March 22, 6 p. m. This should leave New York City on next Thursday and as part of the original order.

WILSON.

File No. 812.113/242.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 25, 1912—4 p. m.

Referring to your March 22, 12 noon, and March 22, 6 p. m. War Department despatching via Ward Line steamer sailing New York 28th, arriving Vera Cruz on or about April 5, 1,000 Krag-Jorgensen rifles, 1,000,000 cartridges, 1,000 field-service belts. Although consigned to you they are invoiced to the military attaché, whom the War Department's Bureau of Ordnance desires to act as disbursing officer.

HUNTINGTON WILSON.

File No. 812.113/250.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 25, 1912—10 p. m.

I have asked representatives of mining companies here to advise me about dynamite, as per your March 24, 7 p. m.

WILSON.

File No. 812.113/291.

The Attorney General to the President.[1]

Office of the Attorney General,
Washington, March 25, 1912.

Dear Mr. President: You have referred to me some correspondence with the Acting Secretary of State regarding the practical interpretation to be given to the prohibition contained in the joint resolution of Congress passed March 14, 1912, and the proclamation issued by you in pursuance thereof making it unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to any American country in which conditions of domestic violence are found by the President to exist, etc.

You ask my opinion as to the proper interpretation to be given to the words "arms or munitions of war." There is no dispute as to the meaning of the word "arms," but a question arises as to the precise import of the phrase "munitions of war." The word "munition" is defined in Skeat's Etymological Dictionary as "materials used in war." It is derived from the verb *munire*, to fortify, and perhaps its nearest antecedent is *munitionem*—the accusative of *munitio:* a blockading, defending, or securing; hence its analogy to ammunition, store for defense. Accordingly the Standard Dictionary defines it as "ammunition and all necessary raw material, including stores of every kind; all requisites for warfare exclusive of money and men." The Century Dictionary and Cyclopedia defines it as "materials used in war for defense or for attack; war material, military stores of all kinds; ammunition, provision." Webster's International Dictionary, as "whatever materials are used in war for defense or for annoying an enemy; ammunition; also stores and provisions; military stores of all kinds; hence necessary equipment or provision in general."

Although many of these definitions embrace in the definition of the word *munition* not only materials for attack or defense, but stores or provisions, a distinction is drawn by the writers on international law between munitions of war proper and those articles which from their particular use *may become* munitions of war. The phrase is used in connection with definitions of the term "contraband of war." Articles which are contraband of war have been classed under two heads:

> Those that are primarily and ordinarily used for military purposes in time of war—*e. g.*, arms and munitions of war, military material, etc.—articles of this kind being usually described as absolutely contraband. (7 Moore's Digest, 666.)

In the instructions given by Mr. Cass, Secretary of State, to Mr. Mason, Minister to France, in June, 1859, speaking of the term "contraband of war," Mr. Cass wrote:

> "Some of the later and approved writers upon the law of nations, such as Hautefeuille and Ortolan * * * and the former particularly, confine the list"—of contraband of war—"to objects of first necessity for war, and which are exclusively useful in its prosecution, and which can be directly employed for that purpose without undergoing any change—*that is to say, to arms and munitions of war.*" (7 Moore's Digest, 661.)

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[1] This opinion of the Attorney General was adopted by the Department of State, and the last two paragraphs were quoted textually by the Department in answering inquiries for a definition of "munitions of war" under the President's proclamation of Mar. 14, 1912.

Among articles *absolutely* contraband, according to the orders of the Navy Department, given June 20, 1898, are "ordnance, machine guns, and other articles of military or naval warfare." Among those *conditionally* contraband are coal, "when destined for a naval station, a port of call, or ship or ships of the enemy," and provisions "when destined for the enemy's ship or ships or for a place that is besieged." (7 Moore's Digest, 687.)

Articles which, like arms and ammunition, are, by their nature, of self-evident warlike use, are contraband of war if destined to enemy territory. (Mr. Hay to Minister McCormick, August 17, 1904, 7 Moore's Digest, 692.)

Ortolan considers "que les armes et instruments de guerre quelconques, et les munitions de toute sorte servant directement à l'usage de ces armes, sont les seuls objets qui soient généralement et nécessairement contrebande de guerre * * *." (3 Hall Int. Law, 649.)

"L'idee de la contrebande," says Heffter (le Droit, 160), "est une idee complexe, variable selon les temps et les circonstances, et qu'il est difficile de déterminer d'une manière absolue et constante * * *. D'après les usages internationaux universels, la contrebande est exclusivement limitée aux armes, utensiles et munitions de guerre, en d'autres termes aux objets façonnés et fabriqués exclusivement pour servir dans la guerre, non pas aux matières premières propres à la fabrication de objets prohibés * * *." (3 Hall, 649.)

Lord Lansdowne, in writing to Lord Hardinge in August, 1904, refers to the first class of articles contraband of war as—

Those that are primarily and ordinarily used for military purposes in time of war—*e. g.*, arms and munitions of war, military material, etc.—articles of this kind being usually described as absolutely contraband. (7 Moore's Digest, 666.)

At the international conference held in London during the winter of 1908–9 a list of articles which without notice may be treated as absolutely contraband was prepared, as follows:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draft, and pack animals suitable for use in war.
8. Articles of camp equipment and their distinctive component parts.
9. Armor plates.
10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

This list includes substantially all of the articles which may be considered as absolutely within the definition of "arms and munitions of war."

Food and clothing may become contraband of war when destined to a port of naval equipment or an enemy, or for the supply of his army (7 Moore's Digest, 679); but they are classed as *conditionally* contraband and not as absolutely contraband, and do not fall within the usual definition of arms and munitions of war. The case of United States *v.* Sheldon (2 Wheaton, 119), which is sometimes cited in support of the inclusion of provisions with other articles under the definition of munitions of war, turned upon a statute which prohibited the transportation of "naval or military stores, arms or munitions of war, or *any articles of provision* from the United States to Canada," etc.

The substance of the joint resolution of Congress itself emphasizes the construction which is here suggested of the phrase in question. It provides that whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, he may, by proclamation, make it unlawful to export arms or munitions of war. Therefore, it is *such* arms or munitions of war as are used in promoting conditions of domestic violence the export of which is forbidden; that is to say, weapons used for the destruction of life, together with ammunition and equipment useful in connection with them, and explosives and other equipment of a military character, or articles used for the construction of such equipment. These are the things the use of which promotes conditions of domestic violence and the export of which the President's proclamation is intended to prohibit.

As a practical working definition for the use of the officials on the border, without embracing all of the items enumerated in the first list adopted at the conference of London, I suggest the following as embracing all that is within the practical purpose which the joint resolution and the proclamation are intended to accomplish, namely:

Articles primarily and ordinarily used for military purposes in time of war, such as weapons of every species used for the destruction of life, and projectiles, cartridges, ammunition of all sorts, and other supplies used or useful in connection therewith, including parts used for the repair or manufacture of such arms, and raw material employed in the manufacture of such ammunition; also dynamite, nitroglycerin, or other explosive substances; also gun mountings, limber boxes, limbers, military wagons; field forges and their component parts, comprising equipment of a distinctively military character; articles of camp equipment and their distinctive component parts; and implements manufactured exclusively for the manufacture of implements of war, or for the manufacture or repair of arms or war materials.

Foodstuffs, ordinary clothing, and ordinary articles of peaceful commerce are not included in the prohibition.

I am transmitting this definition to the Departments of State, War, and the Treasury.

Respectfully,

GEO. W. WICKERSHAM.

File No. 812.113/259.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 26, 1912—12 noon.

Department's March 24, 7 p. m.; Embassy's March 25, 10 p. m. Conference between American mine owners and Minister of Hacienda last night. It was agreed that Mexican Government would make every effort to bring out under Federal escort the supply of dynamite now at Dinamita (the Government factory, about 40 miles north of Torreón), and ship it south. This supply would satisfy the demands of northern Mexico for about two months. There are also ten carloads of dynamite consigned to the Mexican Dynamite Co. against which no governmental prohibition exists. It is en route, via Laredo, from Wilmington, Del., and California. These can be safely permitted to cross our frontier. If Dinamita stores can not be shipped south, Government will admit dynamite properly consigned at any port.

WILSON.

File No. 812.00/3389.

[Telegram.—Extract.]

AMERICAN EMBASSY,
Mexico, March 26, 1912—9 p. m.

The press censorship is rigid, and it is evident that consular telegrams are being refused upon some pretext. I receive no reports from consuls either on Pacific coast or the south.

Acting on consular reports from Tampico I have directly requested the governor of San Luis Potosi to protect Americans and have his telegram in agreement.

WILSON.

File No. 812.00/3443.

No. 1334.]

AMERICAN EMBASSY,
Mexico, March 26, 1912.

SIR: I have the honor to transmit herewith copies of correspondence exchanged between this Embassy and the Mexican Foreign Office relative to the guaranties of protection of foreigners in Mexico City. This correspondence was initiated by the Embassy at the request of the Ministers of Great Britain, France, Italy, Germany, Spain, and Japan, and, with the exception of the final note of March 25, has received their approval. The note of March 25 was not addressed to Mr. Calero in the name of my colleagues but solely in the name of this Embassy. All other concurring diplomatic representatives are addressing similar notes to the Foreign Office. The correspondence is submitted to the Department for its approval or criticism.

I have [etc.]

HENRY LANE WILSON.

[Inclosure 1.]

The American Ambassador to the Minister for Foreign Affairs.

Informal.]

AMERICAN EMBASSY,
Mexico March 11, 1912.

MY DEAR MR. CALERO: I beg to inform your excellency that at the request of several of the foreign representatives here having large colonies in this city there was last Saturday afternoon an informal meeting of several chiefs of mission at this Embassy. The object of this informal meeting, which was in no sense a conference of the diplomatic corps, was the discussion of the safety of the foreign colonies here in the event of any disorders occurring in this city. The question of the number of Federal troops now on duty here was brought up, and the ministers expressed their positive opinions as to the obligation of the Mexican Government to keep a sufficient force in the capital to secure adequate protection against any possibility of trouble. The statement was made that during the administration of President Diaz there were never less than 5,000 troops stationed in Mexico City, excluding police, and the assertion was made on reliable information that the number now here is less than 2,000.

I should be very glad to receive any information which your excellency can give me as to what number of troops the proper authorities consider sufficient for the adequate protection of the capital, and how many men there are actually in this city or its vicinity at the present time.

Believe me [etc.]

HENRY LANE WILSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

Informal.]

FOREIGN OFFICE,
Mexico, March 13, 1912.

MY DEAR MR. AMBASSADOR: I refer to your informal note of the 11th instant, No. 56, Serial 1968, and in reply I have the honor to confirm what I said to the first secretary of the Embassy, Mr. Schuyler—that is, that you, as well as the chiefs of mission with whom you have spoken concerning the maintenance of order in this city, may be sure that the Government has sufficient means to guarantee the lives and interests of its residents, natives as well as foreigners. The garrison of regular troops is not the only force at the disposal, and, therefore, the data concerning the number of such garrison is not essential, moreover, when its number is variable, according to the necessities of the service in the city and elsewhere.

The officers in charge of the maintenance of order in this city are the governor of the Federal District, the military commander, and the inspector general of police. The persons who occupy these positions are worthy of the full confidence of the Government and of society.

Believe me [etc.]

MANUEL CALERO.

[Inclosure 3.]

The American Ambassador to the Minister for Foreign Affairs.

Informal.]

AMERICAN EMBASSY,
Mexico, March 14, 1912.

MY DEAR MR. CALERO: I have your informal note of March 13 last, written in reply to mine of the 11th, and beg to express my regret that you have not been able to furnish the information relative to the military dispositions in this city which was clearly and courteously asked for therein at the request of a number of my colleagues of the Diplomatic Corps.

Realizing that many of our nationals were leaving Mexico, in many cases because of unfounded apprehensions concerning the ability of the authorities to cope with the elements of disorder, my colleagues and I desired to communicate to them through their societies and organizations information of a concrete and specific character relative to the dispositions made by the general and local government in the City of Mexico for the preservation of order and for the protection of life and property. We believed, and still believe, that the exodus which is constantly going on, and which is contributing in a very large measure to the acute economic situation which exists here, would be a matter of grave concern to the Mexican Government and that it would be glad to take advantage of an opportunity to make known through responsible channels the exact number of Federal troops of all arms which the Government estimates as sufficient for the preservation of order in this city and what force is at present maintained here. My colleagues and I are aware that your excellency's Government is alive to its responsibilities and conscious of its obligations and duties, but mere assurances of a general character have no weight with our nationals, a great many of whom are alarmed and skeptical as to the resources at the command of the Government and many of whom have abiding confidence only in Federal troops as guardians of public order.

Do you not think, my dear Mr. Calero, that under these circumstances it would be the part of wisdom to enable us to furnish specific information and in this way afford us the privilege of rendering practical and useful assistance to the Mexican Government?

Believe me [etc.]

Henry Lane Wilson.

[Inclosure 4.—Translation.]

The Minister of Foreign Affairs to the American Ambassador.

Informal.]

Foreign Office,
Mexico, March 19, 1912.

My Dear Mr. Ambassador: I refer to your informal note of the 14th instant, in which you insist on a categorical reply concerning the following questions: What is the number of Federal troops in the City of Mexico at the present time, and what is the exact number of Federal troops, of the different arms, which the Government considers sufficient to maintain order in this city?

Your excellency is of the opinion that my reply to the above-mentioned questions will serve the purpose of quieting unfounded fears, to which, in your excellency's opinion, is due the exodus of foreigners and much to be deplored.

Although my opinion and that of other Mexican officers is not in accord with your excellency's upon the principal causes of the exodus, almost exclusively of American citizens, I would gladly satisfy your excellency's wishes, but I am unable to do so for the following reasons:

In the first place, and referring to the number of the Federal troops in this city, I must say that the capital has never had a fixed garrison, and neither this Government nor that of General Díaz have ever kept here a fixed number of soldiers. Therefore, the data on the importance of the numerical capacity of the garrison on this date would be of no interest, as such data would vary the very next day either one way or the other.

In the second place, and for reasons which can not escape your excellency's keen perception, I can hardly say which would be the number of troops of all arms which the Government would consider sufficient to preserve order in this city. This data would also be subject to variation, because when the city is quiet and the spirit of the people is not worked up by agitators, nor is there any extraordinary event in sight which could excite a public feeling, the garrison may be relatively small. In the contrary situation the garrison has to be more numerous. It should also be borne in mind that if because the necessities of service the cavalry force of the city is increased and the infantry forces are diminished, or vice versa, the number of soldiers which the Government may consider proper to preserve order would vary, according to the arm to which the troops may belong.

If your excellency will thoughtfully consider the above, you will agree that the reply I had the honor to give you in my letter of the 13th was in accordance with the circumstances and the one which corresponds to my official position. I will not hesitate to give this same reply to each one of your excellency's colleagues which constitute the section of the diplomatic corps in the name of which your excellency has had the kindness to address me.

The public officers of this city and myself consider the manifestation that took place on Sunday, the 10th instant, shows that the inhabitants of this capital are moved by a feeling entirely favorable to the Government, which, of course, is no reason why the necessary vigilance should be decreased. We are cognizant of our responsibilities and are decided to maintain order, not only to protect foreigners but also for the safety of our own families and interests.

Feeling grateful to your excellency for the kind spirit which you have shown, the purposes of which you have referred to in the last paragraph of your note under acknowledgment, I am, my dear Mr. Ambassador [etc.]

Manuel Calero.

[Inclosure 5.]

The American Ambassador to the Minister for Foreign Affairs.

Informal.]

AMERICAN EMBASSY,
Mexico, March 25, 1912.

MY DEAR MR. CALERO: Referring to the correspondence which I have had the honor to exchange with you relative to my desire and that of some of my colleagues to be precisely informed as to the measure of protection which under certain emergencies the Government will be able to afford to foreigners residing in this city, I beg to again express my regret that you have not felt it advantageous to supply us with the information which we believed to be very necessary in calming the apprehension of our nationals and to that extent a great benefit to the Mexican Government. I have referred the correspondence in this matter to my colleagues, the Ministers of France, Spain, Germany, Great Britain, and Japan, for such action in the premises as their excellencies may think proper, and on my own account I shall have the honor of addressing you an additional note relative to the same question.

Believe me [etc.]

HENRY LANE WILSON.

[Inclosure 6.]

The American Ambassador to the Minister for Foreign Affairs.

Informal.]

AMERICAN EMBASSY,
Mexico, March 25, 1912.

MY DEAR MR. CALERO: Referring to the correspondence which I have had the honor to exchange with your excellency on behalf of some of my colleagues of the resident diplomatic corps, who are deeply concerned for the safety of their nationals in this city in the event of disorderly demonstrations by the lawless elements, I beg to express my regret that your excellency, doubtless for what seem to you good and sufficient reasons, has not found it expedient to furnish me with the information which I expressed a desire to have.

Under the circumstances, having in mind the strict fulfillment of my duty to such American nationals as still remain here, I beg to say to you that, in the absence of any satisfactory evidence beyond general and reassuring statements which, however laudably conceived and securely relied upon, do not meet the necessities of the abnormal situation which exists here, my Government reserves the right, according to the established principles of international law, to make reclamation for the loss of American life or for damages to person or property of American nationals which may occur in the City of Mexico or this Federal District through the acts of mobs or organized or unorganized elements of disorder and lawlessness.

Believe me [etc.]

HENRY LANE WILSON.

File No. 812.113/236.

The Acting Secretary of State to the Mexican Ambassador.

No. 137.]

DEPARTMENT OF STATE,
Washington, March 26, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note No. 1170, of the 21st instant and of your excellency's telegrams of the 21st, 22d, and 23d,[1] respectively, relative to the matter of excepting from the operation of the President's proclamation of the 14th instant certain shipments of arms and munitions of war destined for the use of your excellency's Government.

I have the honor to inform you that the President has this day decided to except the shipments in question from the operation of the proclamation mentioned, and has ordered released for exportation into Mexico the arms and munitions of war specifically mentioned in your note No. 1170 under reference.

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[1] Not printed.

In this connection I also have the honor to say to your excellency that whenever from now on it is represented to the Department that specific consignments of arms and ammunition are intended for the use of your excellency's Government, the consignor will be informed that he should take the matter up with the Embassy under your excellency's worthy charge, and that upon submittal by the Embassy to the Department of the necessary particulars relative to the consignments the matter will be given prompt attention and placed before the President as soon as possible for his final decision as to whether or not they may be exported.

Accept [etc.]

HUNTINGTON WILSON.

File No. 812.00/3389.

The Acting Secretary of State to the American Ambassador.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, March 28, 1912—2 p. m.

Regarding censorship, as per your March 26, 9 p. m. Protest vigorously if necessary against refusal to receive consular or other official telegrams for Embassy or Department.

HUNTINGTON WILSON.

File No. 812.113/231.

DEPARTMENT OF STATE,
Washington, March 28, 1912—3 p.m.

Department is disinclined to accede to the request of Cook and Beck, conveyed in your March 25, 11 a. m., without more specific information as to how urgently this large amount of arms and ammunition is needed and the purpose to which they are to be put. Department will not recommend shipments of rifles, cartridges, etc., except upon your own assumption of responsibility. To establish a precedent of this kind appears unwise because others may make similar requests, with which for some reason it would be found impossible to comply. Noncompliance would then be pointed out as adverse discrimination.

HUNTINGTON WILSON.

File No. 812.113/237.

DEPARTMENT OF STATE,
Washington, March 28, 1912—6 p. m.

Your March 21, 10 p. m. The President on March 26 authorized by formal order to the Treasury Department exceptions granting permission for the exportation of the shipments, mentioned in your said telegram, to the consignee in Mexico designated by the Mexican Embassy.

HUNTINGTON WILSON.

File No. 812.728/2.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, March 28, 1912—9 p. m.

Department's March 28, 2 p. m. I have protested verbally, but can not do so effectively because have no direct evidence. Government says consular reports are refused only when line is burdened with official business. Will protest when have positive evidence.

Wilson.

File No. 812.00/3427.

American Embassy,
Mexico, March 28, 1912—10 p. m.

Press censorship severe and Associated Press line leased from Government has been taken away. Will Department consult with Stone as to action by Embassy?

Wilson.

File No. 812.00/3427.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 29, 1912—7 p. m.

Your March 28, 10 p. m. Informally inquire whether or not continuance of Associated Press service can be arranged. Investigate the general policy of the Mexican Government in this matter. In view of the conservatism of Associated Press dispatches there appears to be no reason why their service should be stopped.

Huntington Wilson.

File No. 812.00/3430.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, March 29, 1912—9 p. m.

Associated Press wire is still refused. The cutting of telegraph lines and the undoubted connivance of the Government through indirect methods has arrested all news except from immediate vicinity. Mexican railway cut twice, and cable line cut last night. Mexican press reports surrender of Torreón without resistance. Situation grows worse in Puebla and Vera Cruz.

A new exodus of Americans from the city will begin and continue all through next week, as it is generally believed now that the Government is likely to fall.

The Orders of American Railway Conductors and Engineers submitted their ultimatum demands to President Browne to-day. In the event that these are not acceded to about 900 men will cease work on the National Railways.

WILSON.

File No. 812.00/3487.

The American Ambassador to the Secretary of State.

No. 1337.] AMERICAN EMBASSY,
Mexico, March 29, 1912.

SIR: For the information of the Department, I have the honor to transmit herewith a copy of an informal note to Mr. Calero, Minister for Foreign Affairs, relative to the return of Mr. de la Barra to Mexico.

I have [etc.] HENRY LANE WILSON.

[Inclosure.]

The American Ambassador to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, March 27, 1912.

MY DEAR MR. CALERO: Mr. E. N. Brown informed me yesterday that the report was being insistently circulated through banking and commercial circles that the Washington Government had encouraged the return to Mexico of Mr. de la Barra and that I was conducting an active propaganda in his behalf.

I am amazed and disgusted that such utterly absurd stories could find lodgment in the minds of sensible and serious men, and I hasten to assure you that there is not a scintilla of truth in the story, neither as it relates to the Washington Government nor to me. My earnest hopes and desires—sentiments which I know are shared by the Government at Washington—are that the present legally elected Government of Mexico shall be maintained, and, as you are doubtless conversant, we are, to the fullest extent compatible with a dignified abstinence from intrusion in Mexican affairs, giving every day evidence of our deep sympathy with the administration of President Madero, which is our duty to the *de jure* and *de facto* Government as a friendly nation.

I have known Mr. de la Barra many years and esteem him a most worthy Mexican and a sincere patriot, and if he is returning to his country as reported, I am obliged, from my knowledge of his character, to assume that he comes hither to discharge the duties of a Mexican citizen and to be of service to his country.

Believe me [etc.] HENRY LANE WILSON.

File No. 812.113/269.

The Mexican Ambassador to the Acting Secretary of State.

[Telegram.]

MEXICAN EMBASSY, *Washington.*
(Received March 30, 1912—10.50 a. m.)

Consul of Mexico at New York tells me that a cargo of arms and ammunition has gone out on the steamship *Monterey* of the Ward Line, bound for Mexico, and that the shipper assured him that he was duly authorized by the Government of which your excellency forms part, notwithstanding that proper steps were not taken in the manner referred to in your excellency's note dated the 26th instant, which was received to-day at 1 p. m., and to which an answer is now being duly prepared with the appropriate expressions of thanks. In virtue thereof, and owing to the urgency of the case, I permit myself to trespass upon your excellency's attention in order that you may be pleased to tell me whether the aforesaid consul's asseveration is accurate.

CRESPO.

File No. 812.00/3416.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 30, 1912—6 p. m.

Great fear at Durango that in case Federal soldiers are withdrawn that place will be at mercy of bandit bands. Request that sufficient troops be retained adequately to protect Americans and American interests at Durango.

HUNTINGTON WILSON.

File No. 812.00/3441.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 30, 1912—11 p. m.

Train from here to Cuernavaca was fired on by rebels to-day and the engineer was killed. Conductor, an American, was beaten into insensibility. Also a number of passengers are reported fatally wounded. Train between Atlixco and Puebla held up by Zapatistas, but they were driven off and 15 killed by soldiers on board train.

Situation in Puebla and Vera Cruz continues to grow worse. Alarm in this city is very great, and foreigners are agitating the question of calling upon their diplomatic representatives to ask for the introduction of legation guards to protect colonies. There is some agitation in our own colony on same subject.

I think I shall be able to secure a Federal guard for the arms shipment from Vera Cruz here.

Rigorous censorship still prevails and I have no consular advices. Will make additional representations on Monday to the President.

WILSON.

File No. 812.113/269.

The Acting Secretary of State to the Mexican Ambassador.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 30, 1912.

Your telegram March 30. Invoices of shipment in question were not presented to Mexican consul on account of shortness of time. It is a consignment of rifles and ammunition specially exempted by the President from the operation of his proclamation of March 14 sent to the American Ambassador at Mexico City, with the knowledge and consent of Mexican authorities, for the use of Americans in that city in protecting their lives and property in case of possible mob outbreaks. The Embassy at Mexico City has been informed of the circumstances under which the consignment was shipped and has been instructed to request that special arrangements be made for its entry. As the shipment is not intended for your excellency's Government, it naturally does not fall within the cases contemplated in the Department's note to you of March 26, which refers only to arms and munitions of war destined to the Mexican Federal Government.

HUNTINGTON WILSON.

File No. 812.918/20.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 1, 1912—11 p. m.

Your March 29, 7 p. m. A censor is sitting in the Associated Press office to-night, and it is not yet determined whether a report will be sent or the office closed. Mexican Government will not permit any agency to distribute news harmful to it, whether true or not. As the Government complains of things I know to be true and alleges reports which have never been made, I judge its course neither consistent nor just.

WILSON.

File No. 812.113/284.

The President to the Acting Secretary of State.

THE WHITE HOUSE,
Washington, April 1, 1912.

DEAR MR. WILSON: By direction of the President I send you the inclosed copy of a letter from the Attorney General which explains itself. The President concurs in the conclusions of the Attorney General and directs that the aeroplane referred to be not permitted exportation into Mexico.

Sincerely yours,

CHARLES D. HILLES,
Secretary to the President.

[Inclosure.]

The Attorney General to the President.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 1, 1912.

DEAR MR. PRESIDENT: The Secretary of War transmits to me the following telegram:

"Col. Steever reports 'Mexican consul has requested holding up of French aeroplane about to be exported from El Paso to Mexico for purpose of dropping dynamite and other explosives upon Federals. Have requested collector of customs to prevent exportation. Ask early decision as to whether under circumstances cited aeroplane is not an engine of war and therefore under ban of President's proclamation.' Request instructions soon as possible.

"DUNCAN, *Commanding.*"

In the practical definition of "arms and munitions of war" which was formulated in my opinion to you dated March 25, 1912, and in the letter of advice to the heads of the State, Treasury, and War Departments, no mention was made of aeroplanes, but the list of articles which without notice may be treated as absolutely contraband of war, adopted at the conference of London, includes a number of articles primarily used for military purposes in time of war. An aeroplane sought to be transported into Mexico for the express purpose of being used as an engine of war to carry dynamite in the air in order that it may be dropped upon soldiers of the established Government for their destruction is as clearly within the intendment of the first list of articles absolutely contraband of war, and as clearly a munition of war, as gun mountings, military wagons and their distinctive component parts, which are specifically included in the list adopted at the London conference. But if not, *per se*, included in the definition "munitions of war," an aeroplane specifically acquired for the purposes specified (that is, to serve as an engine of destruction of human life), clearly becomes a munition of war and is within the purposes which gave rise to the Congressional joint resolution, and should be brought within the embargo created by your proclamation under that joint resolution.

I have, therefore, the honor to advise you that the Departments of State, Treasury, and War should be advised that the French aeroplane referred to in the telegram of the Secretary of War should not be permitted exportation into Mexico.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

File No. 812.00/3481.

Emilio Vásquez Gómez to the Secretary of State.

[Telegram.—Translation.]

HONORABLE SIR: In a manifesto to the Mexican people, of the 17th of February last,[1] I made the following declarations: I continue and will continue to reside in this city without taking, as I have not heretofore taken, any part whatsoever in the armed movement that is going on in the country; but I permit myself, as nothing more than a plain citizen, to recommend to-day to all my partisans who are or may be under arms, the greatest possible order in all their acts, profound respect for and even protection of the life of every peaceable person, be he native or foreign. All just, noble, and patriotic causes are thus conducted; civilization, self-respect, and the dignity of the nation demand it. And at all times and under all circumstances do I specially recommend this in regard to foreigners. They have contributed and will continue to contribute effectively and powerfully, with the capital and beneficial teachings they bring us, to the prosperity of Mexicans and to the progress of the country, and it is necessary that they find in our honest and dignified conduct a sure guaranty and protection for their lives and interests. This must be our invariable course for the justification and credit before the other peoples of the earth, of civilization, and dignity of our nation.

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[1] Mentioned in the American Ambassador's telegram of Feb. 18, 12 noon.

On yesterday, March 31, I addressed to the press of the City of Mexico a telegram, which I sent to that capital, reading as follows:

> Citizen Francisco I. Madero, *President of Mexico:*
>
> Although revolutionary movements are respecting lives and interests of men of peace, especially foreigners, I call upon you, the press, and the League for Social Defense, for the good of the mother country and mankind, to recommend to both contending parties order and true respect and protection of the lives and interests of all, especially foreigners, including every prisoner of war; further, that when towns are entered it be done in orderly manner, energetic measures being ordered to extend to all the inhabitants, property, and work true and immediate guaranties of order, respect, and protection and assurance of peace and tranquility.
>
> My humble name is the only one under the revolutionary standard in the whole country which affords full security for immediate peace at the moment of triumph. In the meantime, in view of that uniformity, I avail myself of the influence of my name as a plain Mexican citizen to make these recommendations to the contestants and this sincere call for the good of the motherland and mankind. I beg you, the press, and the League for Social Defense to publish, reproduce, and propagate these sound, patriotic, and humanitarian ideas. It is our common supreme duty to alleviate and remove the sufferings of the motherland.

I may give assurance that the whole united Mexican people will work with resolution and zeal to meet the deep necessities that have caused the present revolution and to maintain the peace, integrity, honor, and independence of the nation, as well as its relations of friendship and sincere cordiality with all the people of the earth, upon the same firm basis of mutual respect of justice and of the respective rights of all. I take pleasure in offering the assurances of my respect and consideration.

San Antonio, Texas, the 1st of April, 1912.

Emilio Vásquez.

Note.—The first message of President Madero to the Congress was delivered on April 1, 1912. It concerns this correspondence only in regard to the rumors of intervention. See pp. 706–707.

File No. 812.113/209.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, April 2, 1912—12 noon.

Your March 25, 4 p. m. The Government has agreed to take entire charge of shipment of American arms from Vera Cruz, furnishing a Federal guard therefor. Minister of Hacienda thinks the usual duty should be paid. Under the circumstances it perhaps ought to be waived, but I think it good policy to accede and pay the duty.

Wilson.

File No. 812.113/304.

American Embassy,
Mexico, April 2, 1912—11 p. m.

Duty on the shipment of arms and ammunition on steamer *Monterey* is estimated by Minister of Hacienda at about $16,000 gold, based on weight according to invoice. American colony will find it extremely difficult to make this payment. Perhaps Government here could take part of arms and ammunition in payment of duties. Please instruct.

WILSON.

File No. 812.00/3492.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, April 3, 1912—10 p. m.
(Received, via El Paso, Tex., April 4, 1912—7.40 p. m.)

New regulation by the military authorities requires passports all persons leaving city. On account censorship my last cipher telegram to the Department was kept by the military authorities an hour before forwarding; another a few days since several hours. Protests seem unavailing.

Money-order service in State discontinued a month ago. Postmaster suggests general warning against the issue of international orders payable here.

LETCHER.

File No. 812.113/281.

The Acting Secretary of State to the Secretary of Commerce and Labor.

DEPARTMENT OF STATE,
Washington, April 3, 1912.

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo,[1] inclosing a copy of a letter dated March 28 from Mr. W. R. Morris, assistant traffic manager, American-Hawaiian Steamship Co., 8 Bridge Street, New York City, stating that there has been offered to that company a consignment of metallic cartridges for transportation to the port of Acajutla, in Salvador, Central America, via Mexico.

In reply to your request for an expression of the opinion of this Department relative to this matter, I beg to say that the Department agrees with you that the shipment of cartridges referred to is not in violation of the President's proclamation of March 14, 1912, that instrument expressly putting into operation the joint resolution of Congress with reference to Mexico only.

I have [etc.] HUNTINGTON WILSON.

File No. 812.113/355.

The American Ambassador to the Secretary of State.

No. 1341.]

AMERICAN EMBASSY,
Mexico, April 3, 1912.

SIR: Referring to my March 15, 5 p. m., March 22, 12 noon, April 2, 12 noon, and April 2, 11 p. m., and to the situation which has developed here as a result thereof I have the honor to explain details more fully than was possible within the limits of telegraphic communication.

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[1] Not printed.

In conveying the wishes of the American colony for arms and ammunition I did so in the knowledge that the authorized committee of this organization had consulted, with reference to their contemplated action, with the Governor of the Federal District and with the Minister of Interior, and I felt further fortified by the fact that Mr. Calero, Minister for Foreign Affairs, had said to me that this Government had no objection to Americans or other foreigners arming themselves for the defense of their persons or property against mob violence. It is well known and established that the Government, and especially the municipal authorities, are desirous of having the foreign elements of the population well armed, not only for reasons relating to their safety but for the moral effect which such organizations would have upon the disorderly elements of this city. I assumed therefore that this Government, in the absence of reassuring and convincing statements to foreigners of its ability to protect them, would be glad to aid in furnishing all foreign organizations with arms or to aid them in obtaining such from elsewhere. Under the influence of these views and because of a desire to avoid newspaper and public comments upon our plans, I deferred asking for the permit for the entry of the arms until Monday, the 1st, when Mr. Madero, the Minister of Hacienda, agreed to take entire charge of the shipment from Vera Cruz to Mexico City and mentioned the probable duty as about $1,000. Following this I arranged for Captain Burnside, the military attaché of this Embassy, to see Mr. Madero the next day and furnish the invoice of the shipment. At this interview, Mr. Madero, who, it appears, had either misunderstood or miscalculated the weight of the arms and the quantity of the ammunition, informed Captain Burnside that the amount of the duties on the total shipment would be in the neighborhood of $15,500. Upon receipt of this information I immediately sent the Department my April 2, 11 p. m., and this morning, realizing that the American colony in its present straitened circumstances would be unable to raise the amount necessary to pay the duties within a practical period, I saw Mr. Calero and said to him that, while I quite understood that the Government was exercising its rights in levying the duties, the abnormal situation which prevailed here, and the widespread belief that the Government might not under certain circumstances be able to afford protection to foreigners, would appear to warrant the Government in lessening the rigidity of its regulations, more especially as these arms were addressed to the Embassy. Mr. Calero replied in substance that the French and German ministers had made requests similar to mine, which had been denied, and that he saw no way in which the Government could consistently depart from the established regulations in behalf of the American colony. I then asked him if the Government would consider the proposition to take a certain number of arms and ammunition in lieu of the duties. This tentative proposition, which I made without knowledge as to the Department's views, he agreed to lay immediately before the President and the Minister of Hacienda with his recommendation and to notify me of their conclusions later in the day. In the event that the Government indicates no disposition to relax from the position which it has taken, I shall then, with the Department's approval, submit a proposal that the Mexican Government take the entire shipment to its own account and immediately turn the arms and ammunition over to the American colony for their free and absolute use for a stated period.

I have [etc.] **HENRY LANE WILSON.**

File No. 812.113/304.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 4, 1912—1 p. m.

Referring to shipment of arms and your April 2, 11 p. m. The Department believes that if the duty must be paid it should be done in the regular way. However, in view of the special regard that has recently been shown for the welfare of the Mexican nation by this Government it would be very little for that Government to do to permit the entry of this shipment of arms and ammunition for the American colony free of duty. The Department is under the impression that a recent shipment for the German colony at Mexico City was admitted duty free. If that was the case, request similar treatment for American colony. The Department does not favor giving Mexican Government part of shipment in payment of duty.

HUNTINGTON WILSON.

File No. 812.113/343.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, April 5, 1912—9 p. m.

The Government seems under the impression that we are not considering Mexico as a civilized nation, which view, however, erroneous, will be dissipated by accepting their program in regard to duty on shipment of arms, which, as far as I can see, involves no principle. Therefore it has this evening been agreed that the consignment of arms and 250,000 rounds of ammunition should be admitted subject to duties, which will be paid by American colony; that the bill of lading should be assigned to a committee of the American colony named by me to receive and distribute the arms; and that I shall direct the return of the remaining ammunition to consignor at New York City.

WILSON.

File No. 812.00/3519.

AMERICAN EMBASSY,
Mexico, April 6, 1912—10 p. m.
(Received April 7, 1912—1 p. m.)

A tremendous ovation for De la Barra, just arrived. He is speaking in favor of peace and maintenance of law and order, but is rather vague in his attitude toward the Government.

WILSON.

File No. 812.00/3533.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, April 7, 1912—10 p. m.
(Received, via El Paso, Tex., April 8, 1912—8.45 p. m.)

Reported Haberiline,[1] American, arrested for attempting leave Jimenez contrary orders rebel commander last Friday. Still incarcerated incommunicado. Contrary statement newspapers; no appeal received from prisoner this office and, inferring refusal permission on the part of rebels, I wrote Orozco to-day urgently requesting immediate statement, but communication apparently ignored. Rebels all sullen because of accepted belief partiality of United States for established Government.

Rebel chiefs issued manifesto yesterday repudiating Vásquez Gómez entirely.

Orozco has taken no action repudiating Gonzalo Enrile's letter abusive of the United States, addressed to the President, reprinted and circulated here. But he repudiates the likewise abusive manifesto circulated at the same time.

LETCHER.

File No. 812.113/350.

The Acting Secretary of State to the American Ambassador.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, April 9, 1912—5 p. m.

Department desires permission for importation into Mexico of additional 100 rifles, 20,000 rounds ammunition for consul, Tampico. Also 150 rifles, 50,000 cartridges, consul, Guadalajara; 600 rifles, 400,000 cartridges, consular agent, Guaymas. Also whatever amount may be needed by Americans Los Mochis, and consular agent, Guaymas. Request issuance proper orders to customhouses Tampico, Vera Cruz for Guadalajara, Nogales for Guaymas, and consul, New York, for Tampico and Vera Cruz.

HUNTINGTON WILSON.

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[1] Spelled Heberlein in later telegrams.

File No. 812.918/24.

Department of State,
Washington, April 9, 1912—7 p. m.

Department's March 29, 7 p. m. Inquire whether any relief can be expected as to censorship of very conservative Associated Press service. What answer has Mexican Government made as to its general policy in the matter?

Huntington Wilson.

File No. 812.00/3547.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, April 9, 1912—9 p. m.

A censor placed in the Associated Press Bureau again to-day. Under instructions from Mr. Stone the local representative refused to make use of the line. Censorship on all press telegrams to the United States exists.

The newspapers here are filled with elaborate articles, purporting to show our plan of invasion of Mexico. Maps illustrate the articles. These reports are having a dangerous effect in arousing resentment, which may at any time take the form of violence. I am endeavoring by moderate utterances to calm the excitement.

The anticipated strike on the National Railways is giving a great impetus to the emigration of Americans and other foreigners.

The revolutionary movement in the south grows stronger each day.

Wilson.

File No. 812.113/364.

American Embassy,
Mexico, April 9, 1912—10 p. m.

The shipment of arms for the American colony will leave Vera Cruz to-night. Owing to the duties—about $7,500 gold, and the charge for the special train and escort, about $750 gold—the price of each rifle, with 100 rounds of ammunition, will amount to about $20 gold.

No guns or ammunition will be delivered by the military attaché except upon payment either by the committee or by individuals.

Wilson.

File No. 812.00/3548.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Chihuahua, April 9, 1912—10 p. m.

Military authorities have confiscated a large lot of private mail sent by American passenger last night. There is every reason to believe my letter to the Consul at Paso del Norte, containing telegram to the Department, was included. Said telegram reported the expected shooting of American named Fountaine[1] at Parral this morning. Protested against the act last night and instructed consular agent protest before the military authorities Parral. The newspapers say that Fountaine was shot 5 this morning notwithstanding.

Attitude rebel authorities insolent toward this office and Americans generally.

LETCHER.

File No. 812.002/23.

The American Ambassador to the Secretary of State.

No. 1351.]

AMERICAN EMBASSY,
Mexico, April 9, 1912.

SIR: I beg to transmit herewith copies of my letter to Mr. Calero of the 8th instant and his reply of the 9th instant on the occasion of his relinquishing the duties of Minister for Foreign Affairs for Mexico.

I have to-day telegraphed[2] the Department that Mr. Pedro Lascurain took the oath of office as Minister for Foreign Affairs to-day, and at once took up the duties of his office.

I have [etc.]

HENRY LANE WILSON.

[Inclosure 1.]

The American Ambassador to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, April 8, 1912.

MY DEAR MR. CALERO: Mr. Schuyler advised me yesterday of your announced intention to lay down the portfolio of the Mexican Foreign Office on the 9th. It will of course be a great satisfaction to know that in surrendering this post, the affairs of which you have managed with such distinguished ability and marked success under most difficult circumstances, you are to pass to another of a different character but not inferior importance.

Before your official character as Minister for Foreign Affairs ceases I wish to express to you in this informal and personal way my high appreciation of the considerate, helpful, and sincere attitude which you have maintained toward this Embassy and toward the international matters which it has brought to your attention.

I shall hope to continue in private life the pleasant and cordial relations which I have formed with you in your official character and I wish you all happiness and success in whatever sphere of life the interests of your country or your own interests may call you.

I am [etc.]

HENRY LANE WILSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

FOREIGN OFFICE,
Mexico, D. F., April 9, 1912.

MY DEAR MR. AMBASSADOR: I have just received your kind informal note of yesterday in which you are pleased to express generous sentiments of sympathy toward me and of estimation of my labors as Minister for Foreign Affairs. I am deeply grateful for this manifestation of friendship, and I wish that you may know that, in the very frequent visits which we have had by reason of our official posts, I have always found in you an excellent disposition toward the Mexican Government, breadth of views, and a most just purpose of aiding the country to satisfactorily dispose of its difficulties of an international character.

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[1] Elsewhere spelled Fountain.

[2] Not printed.

For the cooperation with which you have aided me and for your reiterated proofs of friendship, I express to you my deepest appreciation.

With the lively desire that our private and official relations may continue to be as pleasing as they have been up to the present, I am [etc.]

Manuel Calero.

File No. 812.918/25.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, April 10, 1912—11 a. m.

Regarding censorship; Department's April 9, 7 p. m. The Government's attitude seems to have been explicitly reported in my April 1, 11 p. m. I have made no categorical and formal inquiry relative to Associated Press or other news agencies, but the President and Mr. Calero have indicated to me their intention not to permit sending of news prejudicial to the Government. Government will probably forbid Associated Press the free exercise of its independence. Please instruct definitely whether or not to make formal representations.

Wilson.

File No. 812.00/3546.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate, *Chihuahua.*
(Received April 10, 1912—2.30 p. m.)

Parral taken 4th instant without struggle by rebels, Villa retreating. Violence prevailed; none was respected. Americans suffered less than other foreigners. Salazar commanded rebels. I suggest that occurrences at Parral, which will circulate among Americans here, offer reason for quiet suggestions from this office to Americans to leave as fast as may be consistent with good order. Request instructions as to discreet steps this direction.

Letcher.

The Acting Secretary of State to the American Consul at Chihuahua.

[Telegram in care of Consul at Ciudad Juárez.—Paraphrase.]

Department of State,
Washington, April 10, 1912—4 p. m.

Immediately renew insistent demand for the prompt release of Heberland.[1] The Department is informed that he is a consulting engineer of good standing, that he was conforming to all local regulations; and that on no ground whatever he was thrown into a filthy prison and is still detained there. Telegraph result.

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[1] Spelled Heberlein elsewhere.

HUNTINGTON WILSON.

The Acting Secretary of State to the American Consul at Ciudad Juárez.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 10, 1912.

Press reports that rebels have taken from George Drake official despatches which he was carrying to El Paso for Consul at Chihuahua. Investigate, and, if true, discreetly but vigorously endeavor to secure despatches.

HUNTINGTON WILSON.

File No. 812.00/3538.

The Acting Secretary of State to the American Consul at Chihuahua.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, April 11, 1912—2 p. m.

Following telegram signed Pascual Orozco, dated April 5, has been received by the President. The Department naturally can not recognize Orozco and no acknowledgment can be made. The telegram is accordingly quoted to you as useful information only.

> I have received a copy of a letter sent to you last February by Gonzalo Enrile from El Paso, Tex., and which he has just had reprinted and recirculated in the city of Chihuahua. As Mr. Enrile is employed in some of the offices of the revolution in Chihuahua, and it might therefore be supposed that I had authorized the republication of said letter, which I characterize as highly offensive, I protest, as a Mexican and as supreme head of the present revolution in this country, against the ideas expressed therein, for they are unpatriotic, tending to break friendly relations between two great peoples, who, being united geographically and by colossal interests, ought to further consolidate this union by means of the bonds of mutual respect and confraternity.

HUNTINGTON WILSON.

DEPARTMENT OF STATE,
Washington, April 11, 1912—3 p. m.

Your request for instructions as to informing Americans they should leave Chihuahua received in undated telegram.[1] Department must depend upon you and Americans themselves in the first instance to decide whether or not local conditions warrant their departure for a place of safety; but it feels that you may make quiet suggestions to Americans to leave as soon and as unobtrusively as possible in case you still believe it necessary.

HUNTINGTON WILSON.

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[1] See telegram received April 10.

File No. 812.918/25.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 11, 1912—3 p. m.

No formal representations desired in matter presented in your April 10, 11 a. m.

Huntington Wilson.

File No. 812.00/3576.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Chihuahua, April 11, 1912—8 p. m.
(Received, via El Paso, Tex., April 13, 1912—2.18 a. m.)

Orozco, rebel military commander, has just sent me a most remarkable letter saying that in view of nonrecognition belligerency on the part of the United States the rebel government would refuse to recognize consular representatives of the United States, and that henceforth I should not address the military commander on behalf of my Government. This letter was received an hour after delivery my note respecting detention American engineer at Jimenez and purports to be in answer to my protest against the seizure of mail.

Letcher.

File No. 812.113/388.

The Attorney General to the Secretary of State.

Department of Justice,
Washington, April 11, 1912.

Sir: I have the honor to acknowledge the receipt of your letter of the 9th instant,[1] and its inclosures, relating to the general matter of exceptions to the prohibition of the President's proclamations of March 14, 1912.

I have advised those interested in procuring orders making such exceptions that the President will deal with each particular case as it arises, and that the application should state the facts showing the necessity for the exception and that the dynamite or powder will reach its destination in safety and not fall into the hands of the insurrectionists or otherwise contribute to the disorder in Mexico. And in each instance, in making my recommendation to the President, I have been guided by your advice on the condition of that part of the Mexican territory through which the shipment must pass.

It seems to me that there is no need for action in this Department, and I have the honor to suggest that you will hereafter advise the President directly on these requests. This will render it unnecessary for me to suggest answers to the several inclosures of these letters.

Respectfully,

Geo. W. Wickersham.

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[1] Not printed.

File No. 812.113/393.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 13, 1912—9 p. m.

Arms have arrived. Military and customs authorities at Vera Cruz are delaying shipment of ammunition, as they have no military escort. I sent the consul at Vera Cruz the following telegram:

> Say to the collector of customs and to military commander that their excuses for not forwarding ammunition are regarded as entirely frivolous, as the ammunition needs no guard, being utterly unsuited for any arms except those with which it came; that their attitude is regarded here with the gravest suspicion, and in my name and in the name of the President of the United States insist emphatically that this ammunition shall at once be forwarded to its destination. Use the utmost diligence and report immediately.

Alarm at the delay is very great in the American colony here.

WILSON.

File No. 812.113/388.

The Acting Secretary of State to the Attorney General.

DEPARTMENT OF STATE,
Washington, April 13, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, relative to exceptions to the prohibition of the President's proclamation of March 14, 1912, of shipments of dynamite, powder, and other articles that would naturally come within its purview when exported to Mexico for industrial purposes, and beg to say that this Department is entirely willing to take charge of the matter of such exceptions and to prepare the necessary correspondence in connection therewith.

As your letter under acknowledgement gives no indication that the President has been informed of the action thereby taken, I beg to suggest that it would not be inappropriate for your Department to forward to the President, for his information, a copy of this letter, together with a copy of the letter to which it replies, in view of the fact that the matter was referred to your Department by him.

In the meantime this Department will submit to the President all matters of shipments of the character above mentioned.

I have [etc.]

HUNTINGTON WILSON.

File No. 812.113/388.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, April 13, 1912.

MY DEAR MR. PRESIDENT: I have the honor to transmit herewith, for your information, a copy of a letter dated April 11 from the Attorney General requesting that, in the future, this Department handle the correspondence relating to exceptions from the prohibition of your proclamation of March 14, 1912, of shipments to Mexico of dynamite for industrial purposes.

I also have the honor to inclose a copy of the reply which this Department is making to the Attorney General to-day.

This Department is entirely willing to handle this matter and to prepare the correspondence relating to individual exceptions of shipments of dynamite that has heretofore been prepared by the Attorney General, provided this arrangement meets with your approval.

I have [etc.]

HUNTINGTON WILSON.

File No. 812,113/366.

DEPARTMENT OF STATE,
Washington, April 13, 1912.

MY DEAR MR. PRESIDENT: Referring to my letter to you of March 16, 1912, stating that the question of exceptions to your proclamation of March 14, 1912, prohibiting the exportation of arms and ammunition from any place in the United States into Mexico had come before this Department in three aspects, namely, (1) shipments of arms and munitions of war to the established Government in Mexico; (2) shipments of large amounts of explosives to private enterprises in Mexico; and (3) shipments of arms and ammunition for the protection of American citizens in Mexico, I beg to mention in connection with the last-stated classification that the Southern Pacific Railroad of Mexico has now requested that an exception be made in their behalf of about 600 guns and about 120,000 rounds of ammunition to be shipped for the use of the Southern Pacific Railroad in the defense of their American employees and of Americans along the line of their railroad. These arms and this ammunition are to be shipped by the Southern Pacific Railroad of Mexico, via Nogales, to either Epes Randolph or Charles Hine, the latter being vice president and general manager of the railroad.

The information before this Department leads me to believe that this shipment is likely to reach its destination in safety, as the territory through which it must travel is under the control of the established Government of Mexico. In view of this circumstance, it would appear that there would be no objection to making an exception in this case and to granting permission to allow the shipment in question to be sent forward to its destination through the United States customhouse at Nogales.

I inclose herewith for signature by you, should it meet with your approval, a letter to the Secretary of the Treasury[1] with regard to this shipment, prepared along the lines of previous letters transmitted to you by the Attorney General.

For your information and reference, I inclose a copy of the letter[1] addressed to the Department by the Southern Pacific Railroad, from which you will note that the company desires that action be taken upon this request with as little delay as your other duties will permit.

I have [etc.]

HUNTINGTON WILSON.

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[1] Not printed.

File No. 812.00/3610.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, April 13, 1912.

MY DEAR MR. PRESIDENT: The practical murder by the insurrectionists of Fountain, an American citizen who was fighting with the Federals; the conspicuous increase of truculence on the part of Orozco and the insurrectionists generally, as witnessed by Orozco's absurd attitude toward our Consul at Chihuahua; his seizure of American mails, etc.; the killing or wounding of several American railroad employees; and the continued depredations upon American property, appear to the Department to make it opportune now to make not only to the Mexican Government but to the Mexican people a strong protest and warning. Whether or not such action shall prove at all efficacious, at any rate it appears to the Department prudent to make such a record at this time.

I therefore have the honor to submit herewith a draft telegram to the embassy at Mexico City[2] and one to the Consulate at Chihuahua.[1] It is suggested that the textual representations therein contained be telegraphed plain; that the telegram to the Embassy be repeated for the information of all consular officers in Mexico, and that the textual representations be given to the press here.

Under separate cover I submit for your signature, if you approve them, and with explanatory letters, orders[2] looking to the permission of exportations of arms, first, to Americans on the west coast, notably at Guaymas, Los Mochis, and Mazatlan (these arms are understood to be intended for the employees of the Southern Pacific Railroad, any surplus to be given to such other American citizens as may need them), and, second, for British residents in the northern part of Sonora, notably at Izabal.

There have been for months serious complaints by Americans in the neighborhood of Los Mochis, in the State of Sinaloa, where, roughly, a couple of hundred of our citizens are engaged in agriculture and truck farming. This is the most important group of Americans, except the employees of the Southern Pacific Railroad, to be found on the west coast. Los Mochis is near the port of Topolobampo. American citizens there have long been clamoring for the sending of an American warship. The Department has hesitated to recommend that step because it was feared it would excite ill-disposed Mexicans to reprisals upon our citizens upon some false idea that the sending of a ship was a sign of intervention. The Department has, moreover, pointed out to the citizens in question that if they wish to leave they can do so by taking the railroad to Guaymas, and thence north by rail into the United States, or to Mazatlan, from which port there are frequent steamers to San Diego and San Francisco. In the last two or three days, however, the situation has changed. The railroad has now suspended service in that locality. The American citizens in the neighborhood of Los Mochis are thus left isolated, unable to leave, and, indeed, out of communication, the telegraph being apparently cut. Their situation gives the Department serious concern, and we have debated the question of sending an army transport to get news of them and to give them an opportunity to leave, the expense to be defrayed, if necessary, from our emergency fund; but since their departure from their small properties will mean their almost complete and perhaps irreparable ruin, it is doubted whether they would avail of the opportunity to leave, and therefore an armed vessel capable of protecting them would seem more appropriate. Here, however, one encounters the fear of wounding Mexican susceptibilities and thus increasing the danger of reprisals, however unreasonable and unwarranted. Indeed, the Mexican feeling in these matters seems to be so morbid that perhaps the Government itself might be affected by the same unreasonable feelings.

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[1] See post, telegram to the American Ambassador dated April 14, 8 p. m.
[2] Not printed.

The other day the French Ambassador told me that he had a cruiser at Guadalupe awaiting orders. In our dilemma it occurs to me that if we are likely to have to send ships the shock might be broken and the Mexicans might be, to some extent, estopped from raising the cry of intervention, with its disastrous consequences to our people, if some European nations should be the first to have ships drop in at Mexican ports. If this idea should commend itself to you, I might be able to arrange, very confidentially, to have the French and also possibly the British and German Ambassadors each have a ship go to some Mexican port merely to observe the situation. If this course were approved, of course it would have to be carried out with the utmost circumspection and so with the avoidance of the slightest appearance of suggestion from the United States. As to the best manner of dealing with this particularly very difficult situation, I have the honor to await your directions.

Another disquieting element in the Mexican situation to-day is the fact that the American railway employees are going to walk out on the 17th instant. The Embassy thinks that this will much hinder passenger traffic. I considered suggesting on this ground that the time was ripe for a reiteration of the warning to American citizens to withdraw. Because probably the great majority of those disposed to withdraw have already done so and because a reiterated warning might cause too much excitement and revive dangerous rumors of intervention, I concluded not to make the suggestion at this time, although I think it not unlikely that it may be well some time later on to give fresh warning to withdraw if conditions continue to grow worse.

Beyond what is indicated herein the Department is not aware of any radical changes in the Mexican situation. We are still awaiting news of some engagement in the neighborhood of Torreon, and if this engagement should be decisive either way it would probably render the whole situation much easier for this Government to deal with.

The delay in the taking place of the expected battle is noteworthy and may indicate a lack of energy on the part of the Government. If it does, then the representations recommended in this letter are, I believe, calculated to increase the feeling of the Mexican Government that it must restore order. As for the truculent attitude of Orozco, beyond the causes which suggest themselves, it may, of course, be symptomatic of discouragement or desperation on his part. Indeed, his attitude appears so rash that one can not help suspecting that he may even be courting trouble with the United States as a last resort in his desire to ruin Madero at any cost.

I have [etc.]

HUNTINGTON WILSON.

File No. 812.113/386.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, April 13, 1912.

MY DEAR MR. PRESIDENT: In pursuance of your general instructions relative to the matter, I have the honor to submit herewith a letter addressed to the Secretary of the Treasury,[1] prepared in substantially the same manner as the two letters which accompanied my communication to you of the 11th[1] instant, directing exception under your proclamation of March 14, 1912, in the case of a specific consignment of arms and munitions of war for the use of British subjects resident on the estate of the Sonora Land & Timber Co. (Ltd.), at Yzabal, State of Sonora, Mexico, referred to in the note of April 12, 1912 (and inclosures), from the British Ambassador at this capital, copies of which are inclosed herewith.[2]

This Department favors excepting the arms and ammunition asked for from the operation of your proclamation of March 14, 1912, and if the exception of the above-mentioned shipment meets with your approval I shall so notify the British Ambassador in order that he may take the necessary steps to have the arms and ammunition go forward, stating, however, that this Government can assume no obligation or responsibility with regard to them.

I beg to request that when you sign the inclosed letter to the Secretary of the Treasury it be returned to this office so that proper information and particulars can be supplied to the Treasury Department for the issuance of orders to the customs officers concerned.

I have [etc.]

HUNTINGTON WILSON.

File No. 812.113/387.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 14, 1912—2 p. m.

You will request Mexican Government to grant permission for entry into Mexico 150 rifles via Nuevo Laredo, and to telegraph immediately appropriate instructions to officials concerned. Was it possible to secure from Vera Cruz the 50,000 rounds ammunition desired?

HUNTINGTON WILSON.

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[1] April 13?

[2] Not printed.

File No. 812.00/3593a.

The Acting Secretary of State to the American Ambassador.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 14, 1912—3 p. m.

Communicate the following without delay to the Minister for Foreign Affairs:

The enormous destruction, constantly increasing, of valuable American properties in the course of the present unfortunate disturbances, the taking of American life contrary to the principles governing such matters among all civilized nations, the increasing dangers to which all American citizens in Mexico are subjected, and the seemingly possible indefinite continuance of this unfortunate situation compel the Government of the United States to give notice that it expects and must demand that American life and property within the Republic of Mexico be justly and adequately protected, and that this Government must hold Mexico and the Mexican people responsible for all wanton or illegal acts sacrificing or endangering American life or damaging American property or interests there situated.

Meanwhile, it should be apparent to all sections of the Mexican people that those who spread baseless rumors or provoke just resentment by attacks upon Americans or other foreign persons or property are working against the best interests and the honor of their country, for which the United States is known to hold, and in the present grave situation is manifesting, the greatest and most sincere friendship, and are seeking for their own selfish ends to burden the future of their countrymen with heavy obligations of enormous damages for their wrongful acts.

How strongly the Government of the United States deprecates even the very few cases of participation by its citizens in the present insurrectionary disturbances is well known to the people of Mexico, and was shown by the President's proclamation of March 2 and the various other acts of this Government looking to the same end. The Government of the United States must insist and demand that American citizens who may be taken prisoners, whether by one party or the other, as participants in the present insurrectionary disturbances, shall be dealt with in accordance with broad principles of equitable justice and humanity, as well as in accordance with the principles of international law which may be involved, and to which the people of Mexico have given their assent and adherence in numerous international engagements. This Government must hold the Mexican people strictly responsible for any departure from such principles.

Notwithstanding press reports that certain Mexican officers have announced a contrary policy, the Government of the United States has every confidence in the disposition of the Government of Mexico in the premises, and must request that appropriate instructions be immediately issued to the proper military officers and officials in the sense indicated.

The Consul at Chihuahua, Mr. Letcher, reports receiving a letter[1] from Orozco which states that in view of nonrecognition belligerency on the part of the United States the insurrectionary heads would refuse to recognize consular representatives of the United States, and that henceforth he should not address the military leader of the insurrection on behalf of this Government. In this connection the Department is sending to Letcher a copy of the above communication to the Foreign Office, directing him to deliver copy to Orozco, with statement that it sets forth the attitude which must be assumed by this Government, and directing him to make further representations as follows:

The Government and people of the United States have viewed with grave concern the practical murder under the positive order of one of your chief lieutenants of an American citizen who is reported to have been taken prisoner during or at the end of a regular engagement, the prisoner said to have been dressed in regular uniform and obviously one of the regular forces of the established Government of Mexico. The Government of the United States must insist, in so far as the treatment of American citizens taken prisoners by whatever force is concerned, that the rules and principles accepted by civilized nations as controlling their actions in time of war shall be followed and observed, and the Government of the United States must give notice that any deviation from such a course and, indeed, any maltreatment of any American citizen will be deeply resented by the American Government and people, must be fully answered for by the Mexican people, thus tending to difficulties and obligations which it is to the interest of all true Mexican patriots, as it is the desire of the United States, to avoid.

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[1] See his telegram to the Secretary, dated April 11, 8 p. m.

When you address the Minister for Foreign Affairs, point out that the press reports received here state that General Villa has threatened that if Orozco murders American citizens taken prisoners from the Federals he will retaliate by murdering American citizens taken prisoners from the rebels. Point out the utter inhumanity of such action, and say that retaliation by the Federal forces should certainly never be used against American citizens.

HUNTINGTON WILSON.

File No. 812.00/3593c.

The Acting Secretary of State to the American Consul at Chihuahua.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 14, 1912—3 p. m.

Following telegram sent to Embassy [see telegram to Ambassador Wilson, April 14, 3 p. m., supra].

Immediately present this matter to Orozco, informally and unofficially, according to above instructions, and point out that you are instructed by your Government informally to say that you must continue to exercise your functions and to make representations whenever occasion demands, being an American Consul charged with the protection of American citizens and interests in Mexico and holding an exequatur from the Mexican Government as representing the Mexico people.

HUNTINGTON WILSON.

File No. 812.00/3593b.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 14, 1912.

You will communicate the Department's telegram sent you April 14, 3 p. m., to the Consulates General at Mexico City and Monterey for repetition, merely for their information, to all consular officers under their respective supervisions. Add that the Consuls at Chihuahua and Juárez have already been informed, and the former was further instructed as follows [see telegram April 14, 1912, 3 p. m., supra.].

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[1] Forwarded through American Consulate at Ciudad Juárez.

HUNTINGTON WILSON.

File No. 812.113/405.

The Acting Secretary of State to the American Consul at Nogales.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 14, 1912—8 p. m.

Arms and ammunition are being shipped in your care, via Nogales, for the defense of the American employees of the Southern Pacific Railroad of Mexico and other Americans along its lines. This shipment is of about 600 guns and about 120,000 rounds ammunition consigned to either Epes Randolph or Charles Hine, the latter being vice-president and general manager of the Southern Pacific Railroad of Mexico. You will deliver these arms and this ammunition only to such Americans as shall satisfy you that they are to be used solely for personal defense, and that no possibility exists of their falling into the hands of persons or of their being used in any way that would promote domestic disorder in Mexico.

This shipment is made in pursuance of permission granted by the President, and will constitute an exception under the provisions of the President's proclamation of March 14. Your distribution of the arms should therefore be in the highest measure cautious and discreet, as the purposes of the President's proclamation would be to that extent frustrated if any of the arms and ammunition sent to you should be used in any way to promote domestic disorder.

HUNTINGTON WILSON.

File No. 312.11/237a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 15, 1912—8 p. m.

The Department feels uneasy about the 200 or more Americans resident in Los Mochis and vicinity. Ascertain whether Mexican Government can send a ship with troops for their protection, and also gain authentic information as to their situation. What does the Mexican Government propose to do to afford protection on the west coast? Is Mexican opinion still so sensitive that the sending of one or two naval vessels to relieve the fears of the American citizens concerned and to afford them refuge if necessary would be misinterpreted to the peril of Americans in Mexico generally?

HUNTINGTON WILSON.

File No. 812.00/3602.

The American Ambassador to the Secretary of State.

[Telegram.—Extract.]

AMERICAN EMBASSY,
Mexico, April 15, 1912—9 p. m.

Department's April 14, 3 p. m., has produced a deep but confusing effect upon public mind. It is not generally understood and is variously construed.

WILSON.

File No. 812.00/3613.

Pascual Orozco to the President.

[Telegram.]

EL PASO, TEXAS, *April 15, 1912.*

Fountain was executed because he was fighting us, handling a rapid-firing machine in Villa ranks. It was done without consideration what nationality he was. We want the strongest possible friendship with your wonderful people and have no prejudices against them. We mail you full explanation in the matter and feel confident you would approve it.

PASCUAL OROZCO.

File No. 312.112F821.

The Acting Secretary of State to the American Consul at Chihuahua.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 15, 1912.

Thoroughly investigate circumstances killing of Fountain and matter of his presumed American citizenship.

HUNTINGTON WILSON.

File No. 812.113/405.

The Acting Secretary of State to the British Ambassador.

No. 1479.] DEPARTMENT OF STATE,
Washington, April 15, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note marked "Immediate" of April 12[1] requesting that the President except from the prohibition of his proclamation of March 14, 1912, relative to the exportation of arms or munitions of war from any place in the United States into Mexico, ten Winchester 30-40 rifles and 500 rounds of ammunition to be shipped by the Sonora Land & Timber Co. (Ltd.), of Yzabal, State of Sonora, Mexico, from Douglas, Arizona, via Agua Prieta, to the company's estate at Yzabal for the protection of British subjects there.

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[1] Not printed.

In reply I am glad to inform you that on April 14 the President granted the permission desired, and the appropriate customs officers of the United States have been duly informed.

I have [etc.]

HUNTINGTON WILSON.

File No. 812.113/407.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 16, 1912—8 p. m.

Governor Jalisco will probably resign soon, and Consul Guadalajara requests 30,000 rounds ammunition as soon as possible, fearing serious disorder after resignation. War Department is to-day issuing orders for despatch 50,000 rounds to him. If in the meantime the need becomes urgent and the colony at Mexico City can spare the ammunition, have sufficient supplies sent from Mexico City.

HUNTINGTON WILSON.

File No. 812.00/3616.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, April 16, 1912—9 p. m.

At his own request I sent to the Minister for Foreign Affairs my note based on Department's April 14, 3 p. m., late in the evening, as the Minister wished to avoid public expression. Comments on the alleged undiplomatic character of the note and its publication appear in the press, with report that the Minister will not accept the conclusions of the note. The Cabinet is now considering the Government's reply.

The arms and ammunition for the American colony are now in the hands of the committee.

WILSON.

File No. 812.113/420.

AMERICAN EMBASSY,
Mexico, April 17, 1912—12 noon.

Arms, ammunition, as per your April 9, 5 p. m. I am informed that the matter of importation of arms for Guadalajara, Guaymas, and Tampico has been referred by Foreign Office to the governors of Jalisco, Sonora, and Tamaulipas, respectively, whether for the purpose of delaying action or with a view toward ultimate refusal of requests for entry or in good faith the Embassy can not now determine. Consuls at Guadalajara, Hermosillo, and Tampico instructed to make representations directly to the governors.

Large American emigration during the last few days. The committee of the American colony consequently has more guns than it can dispose of. Consul at Guadalajara advised he can have 150 rifles, with 250 rounds of ammunition each, by paying the duties and price.

WILSON.

File No. 312.112F821/2.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE, *Chihuahua.*
(Received April 17, 1912—7.30 p. m.)

Department's 15th. Fountain born in Lamesella, New Mexico. Family well known there. Execution plain murder and over protests made to military headquarters here by me personally and to Salazar at Parral by consular agent, according to instructions. Other prisoners captured but only Fountain executed, and there is every reason to believe that execution was because of nationality. There is nothing to show that Fountain had acquired Mexican citizenship. He was executed in full knowledge part of rebels that he was American. Naturalization records are kept at Mexico; it will doubtless be easily ascertainable if Fountain applied for Mexican citizenship papers.

Informal conference with Orozco this morning. Apology made for the tone of correspondence with this office and for seizure mail and delay telegrams.

Basis for unofficial recognition consular functions accepted without reservation as follows:

First. Relief from espionage, person and consulate.

Second. Transmission telegrams cipher or open without delay.

Third. Right of informal conference with commander in chief at any hour.

Fourth. Noninterference with mail.

Fifth. Americans to have a right to appeal to consul at all times regardless of offense.

Sixth. General recognition the right to visit imprisoned Americans whether incomunicado or not.

LETCHER.

File No. 812.00/3634.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 17, 1912—9 p. m.

Your April 14, 3 p. m. Minister for Foreign Affairs has sent lengthy reply to my note based on its instructions.

The Minister recapitulates my note under five heads, and continues:

> In reply and under express directions from the President of the Republic, I have the honor to say the following to your excellency:
>
> The Mexican Government is fully cognizant of its duties, and neither by its acts nor by manifestation of its officials has given occasion to doubt the sincerity of its decision to enforce respect for the generally accepted principles of international law and the rules which govern the conduct of every civilized nation. Your excellency's Government has recognized this in the note I have the honor to answer and by other reiterated proofs of friendship toward the Government and people of Mexico which have been so highly and so cordially

appreciated in this country. For these reasons the Government of Mexico says to your excellency that it finds itself under the painful necessity of not recognizing the right of your Government to give the warning which the aforesaid note contains, since it is not based upon any action imputable to the Mexican Government signifying that it has departed from the observance of the principles and practices of international law.

Since one part of the country is in a state of revolution the Mexican Government holds as its principal duty the suppression of the rebel movement, and if in the regions which have removed themselves from obedience to the legitimate authorities attempts are made against the lives and property of foreigners the legitimate Government of the Republic will not be liable in this regard except under the same conditions as the Government of the United States or that of any other country would be if a rebellion arose in its own territory.

The Government of the United States may rest assured that it is the firm purpose of the Mexican Government to observe, and cause to be observed, the principles of international law and the laws of the country, which are quite in harmony with the former in respect to American citizens and other foreigners who may be among prisoners taken from the rebel forces, and although there does not exist sufficient information for the supposition that the commanders of forces in the service of the Government have declared that they would summarily execute Americans whom they may take prisoners and who are fighting on the side of the rebel forces, orders have been sent to the military commanders that if the case arises of their taking as prisoners of war foreign citizens or subjects the latter will be treated conformably to the laws of the Republic and to international practice.

The Government and the people of Mexico lament that order is still disturbed in a part of the territory of the Republic, and on this account are making continued and earnest efforts to reestablish it, which the Government hopes to accomplish by means of accumulation of military forces, and relying upon the opinion, clearly expressed, of a large majority of the Mexican people, which, your excellency and other foreigners who reside among us must realize, decidedly supports the legitimate Government of the Republic.

Far from disowning any responsibilties incurred by illegal acts committed against the lives and property of foreigners the Government unhesitatingly accepts such responsibilties as long as they by their character pertain to governments in accordance with the principles of international law, but rejects and will always reject any responsibilities of any other character which anyone may attempt to force upon it beyond such principles. My Government recognizes with true pleasure that the Government of the United States would never attempt to force upon it the latter kind of responsibility. The high culture and spirit of justice of the people and Government of your excellency guarantees this, as do the constant proofs of great friendship which have been given to this country under the present circumstances.

It is to be deplored that some Mexicans spread baseless rumors or injure the property and interests of foreigners; nevertheless, concerning the first point, the fault is not exclusively of Mexico, but of all countries whose press delights in publishing sensational and frequently false rumors, and in the second place the authorities of the Republic have always endeavored to punish according to law those causing the injuries to which your excellency alludes.

My Government has taken note of the communication addressed to the rebel Orozco by order of your excellency's Government, through Consul Letcher in Chihuahua, not without lamenting that it has been obliged to proceed thus by force of circumstances, as you say, since this invidual, who is guilty of flagrant violation of the laws of the country in having risen in arms against the legitimate Government, is responsible solely before Mexican tribunals.

The Government and the people of Mexico can not be responsible consequently for the acts of this rebel leader in the form in which the communication addressed to him by order of your excellency's Government indicates.

My Government also deplores the fact that it was informed of the tenor of the instruction to Consul Letcher, of Chihuahua, in the same official note which I have the honor to answer. I avail, etc.,

(Signed) PEDRO LASCURAIN.

The Foreign Office gave the text of the foregoing note to the press to-day.

WILSON.

File No. 812.00/3690.

The American Ambassador to the Secretary of State.

No. 1364.

AMERICAN EMBASSY,
Mexico, April 17, 1912.

SIR: I have the honor to transmit herewith a copy of the Embassy's note sent to the Mexican Minister for Foreign Affairs on April 15 last in compliance with the Department's telegraphic instruction of April 14. In the first, second, third, and fourth paragraphs the language of the Department's instruction has been adhered to except in the case of some alterations made to give the document greater clearness. The fifth paragraph has been entirely made over, but the Department's idea has been retained therein, and I therefore think the change should be approved. I believe the Department's idea has been carried out in quoting to the Foreign Office the instructions sent to Consul Letcher.

I have [etc.]

HENRY LANE WILSON.

[Inclosure.]

The American Ambassador to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, April 15, 1912.

MR. MINISTER: I have the honor to inform your excellency that I am in receipt of telegraphic instructions from my Government to bring the following considerations to the attention of your excellency's Government:

The enormous and constantly increasing destruction of valuable American properties in the course of the present unfortunate revolutionary disturbances, the taking of American life contrary to the principles governing among civilized nations, the increasing dangers to which all American citizens in Mexico are subjected, and the seemingly possible indefinite continuance of this unfortunate situation, compel the Government of the United States to give notice that it expects and must demand that American life and property within the Republic of Mexico be justly and adequately protected and that it must hold Mexico and the Mexican people responsible for all wanton or illegal acts sacrificing or endangering American life or property interests there situated.

Meanwhile it should be apparent to all sections of the Mexican people that those who spread baseless rumors or provoke just resentment by attacks on Americans, or other foreign persons or property, are working against the best interests and the honor of their country—for which the United States is known to hold, and in the present situation is manifesting, the greatest and most sincere friendship—and are seeking for their own selfish ends to burden the future of their countrymen with heavy obligations of enormous damages for their wrongful acts.

How strongly the Government of the United States deprecates even the very few cases of participation by its citizens in the present insurrectionary disturbances is well known to the Government and to the people of Mexico; this disposition has been further evidenced by the President's proclamation of March 2, 1912, and the various other acts of my Government looking to the same end. The Government of the United States must insist and demand that American citizens who may be taken prisoners as participants in the present revolutionary disorders shall be dealt with in accordance with the principles of international law which may be involved, to which the people of Mexico have given their assent and adherence in numerous international engagements. My Government must hold the Mexican people strictly responsible for any departure from such principles.

I must also, in compliance with my instructions, call the attention of your excellency to the fact that certain newspapers report that some Federal officers, notably General Villa, have announced an intention to execute summarily any

Americans belonging to the forces of Orozco who may fall into their hands. My Government hesitates to give credence to these reports, but, in view of the pressing urgency of the matter and the possibility of the commission of some act in defiance of international practice, I have the honor to request that appropriate instructions be issued to the proper military officers directing, in cases where Americans are concerned, strict conformity with established and civilized usage.

In concluson I quote to your excellency a copy of an instruction sent by my Government to Consul Letcher at Chihuahua, of which he is directed to furnish a copy to the rebel leader Orozco, as follows:

"The Government and people of the United States have viewed with grave concern the practical murder under the positive order of one of your chief lieutenants of an American citizen who is reported to have been taken prisoner during or at the end of a regular engagement. The prisoner is said to have been dressed in a regular uniform and obviously one of the regular forces of the established Government of Mexico. The Government of the United States must insist, in so far as the treatment of American citizens taken prisoners by whatever force is concerned, that the rules and principles accepted by civilized nations as controlling their actions in time of war shall be followed and observed, and the Government of the United States must give notice that any deviation from such a course, and indeed any maltreatment of any American citizen, will be deeply resented by the American Government and people and must be fully answered for by the Mexican people, thus tending to difficulties and obligations which it is to the interest of all true Mexican patriots, as it is the desire of the United States, to avoid."

I avail myself, etc.,

HENRY LANE WILSON.

File No. 812.00/3670.

Pascual Orozco to the Acting Secretary of State.

[Telegram.]

EL PASO, TEXAS,
(Received April 20, 1912—9 a. m.)

I have the honor to address you and to say that Mr. Marion Letcher, the American Consul accredited to Mr. Madero's Government, has delivered to me, unofficially, a note sent by the Department of State to the American Embassy in Mexico for communication to Mr. Madero and me. I hasten here to declare that the revolution has been actuated by no sentiment antagonistic to the Government or people of the United States but by the natural desire to occupy the place that belongs to it under the provisions of international law that we have fully observed in every act of ours. The American consuls accredited to Mr. Madero's Government and residing within the territory controlled by the revolution I am leading are not also accredited to us, and on account of these conditions I have thought there was no regular and reciprocal agency for official acts which in my opinion should already be openly recognized, owing to the fact that this revolution meets all requirements for recognition as a de facto government in accordance with international law. The American consuls on the territory occupied by the revolution and the citizens of your country and other nations nevertheless enjoy every protection and guaranty they merit, and I shall pay the best attention to all complaints and petitions they may see fit to lay before me in behalf of their nationals, for it has been my special care to recommend my associates and subordinates to make it their rule to hold the lives and interests of foreigners in the most profound respect. Therefore, and even though the commissions which accredit the consuls of the United States to Mr. Madero's Government should be operative with his Government, by which alone the formal exequatur was issued to them, I am resolved on extending to them the same consideration and on listening to all their applications and requests, wishing thus to perform a pleasant duty of courtesy and demonstrate our desire to maintain the most cordial relations with all the foreign powers. To that end, sir, I beg leave to say to you that the armed movement I am leading meets all the conditions required by international law as condensed at the meeting held at Neuchatel by the Institute of International Law on September 8, 1900:

I. The revolution has conquered a well-defined territorial area by holding a definite part of the national territory.

II. The revolution has been given the elements of a regular government which actually exercises over that part of the territory the apparent and virtual rights of sovereignty, for it possesses a federative entity under its control, a constituted government that has adhered to the revolution, a legislative chamber that has recognized it, and the regular operation of all public services, such as the mails, railways, telegraphs, etc.

III. The contest I am conducting is carried on by organized troops subjected to military discipline and obeying the laws and usages of war.

IV. Throughout the territory occupied by the revolution, the most perfect order and morality prevail and the lives and property of nationals and foreigners are respected, as may be certified by all the consuls residing in that territory.

V. There are no conditions of anarchy in the territory occupied by us, but all the political, civil, and judicial authorities are regularly officiating and the courts are administering prompt justice. Under all these conditions, I think I am in position to obtain the recognition of belligerency, which act, on the part of your Government, would be the first step toward the initiation of frank relations with the present *de facto* government represented by the revolution, which will beyond a doubt triumph over Mr. Madero's Government, because it is supported by public opinion and justice. Neither about the proceedings of the revolution nor about the true expression of public sentiment has the truth been told by the press, and it becomes necessary to have it reported to their Governments by the foreign consuls themselves.

I deem it an honor, sir, to avail myself of this opportunity to say to your excellency that I have accredited as confidential agent to enter upon relations with your Government Señor Licenciado Don Manuel L. Lujan, who is now in the United States accompanied by a secretary and a military attaché. I should be highly gratified if I could receive through him your Government's reply, even though it were unofficial. But as it may be that in the prosecution of the campaign it will be impossible to avail myself of that channel, I take pleasure in saying that I am ready to listen and attend to all suggestions, requests, or claims that your Government may be pleased to bring before me through any channel that your Department may deem most appropriate.

Offering to your excellency the assurances of my highest and most distinguished consideration,

Reform, liberty, and justice.

P. OROZCO, H.

CHIHUAHUA, *April 18, 1912.*

File No. 312.11/252.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 19, 1912—1 p. m.

I have no satisfactory answer to Department's April 15, 8 p. m. I have had two interviews with the Minister for Foreign Affairs, but have been unable to get any definite reply. I advise the Department to act according to our own obligations and the pressing necessities of the case, sending a small gunboat or a transport if possible.

WILSON.

File No. 812.00/3662.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN CONSULATE, *Chihuahua.*
(Received April 19, 1912—3.30 p. m.)

Two Americans have been imprisoned here since March 16 by the military authorities without any excuse whatever; the detention has just come to my notice. One of them is an honorably discharged sailor of our Navy. Have demanded their immediate release.

LETCHER.

File No. 812.113/420.

The Secretary of State to the American Consul at Hermosillo.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 19, 1912—7 p. m.

The Department quotes, for your information, following telegram received from Embassy. [See telegram from the Ambassador to the Secretary, April 17, 1912, 12 noon.]

Is this matter now in the hands of the Governor, or must it be referred to the Central Government? If the former, immediately make arrangements for the entry of 100 rifles and 20,000 rounds of ammunition for the Richardson Construction Co. and of a shipment not to exceed 300 rifles and 30,000 rounds of ammunition which the War Department is sending to you for distribution to Americans in the Yaqui region other than those who will be provided for by Richardson Construction Co., and to Americans in the vicinity of Los Mochis in case they can be reached.

KNOX.

File No. 312.112H35/2.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, April 19, 1912.

Full mail report to-day re Heberlein, including his declaration, follows by mail. He was released 10th instant; now in United States.

LETCHER.

File No. 812.113/447.

The American Consul at Guadalajara to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Guadalajara, April 20, 1912—11. a. m.
(Received April 21, 1912—11.30 a. m.)

State and War Departments' promptness in shipping arms almost nullified by the failure Minister for Foreign Affairs to send permits to admit them. Am still uninformed.

MAGILL.

File No. 312.11/260a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 20, 1912—1 p. m.

Department's April 15, 8 p. m. To forestall misinterpretation of sending vessel, the Mexican Government should heartily cooperate. Explain to the Minister for Foreign Affairs and then very carefully give currency through the press to the following ideas:

"Suspension of railroad communication and interruption of telegraph service have caused the isolation of American citizens on the west coast, especially at Los Mochis and Mazatlan, where there are large numbers of them. There are, moreover, many reports of increased lawlessness on the west coast. These facts are causing much anxiety to people in the region affected, as well as to their friends in the United States. In view thereof the President will probably send a vessel to get news of the American citizens in the localities referred to and to afford an opportunity to leave the disturbed districts to those who may wish to do so. This seems necessary, because otherwise there is no way to learn of the safety of those Americans who are at present entirely cut off from communication from the outside world, and also of any means of leaving."

Your action should be simultaneous with that of the Department, which will make the same intimation to the press here to appear in the morning papers of the 21st.

KNOX.

File No. 812.113/442.

The Mexican Ambassador to the Secretary of State.

[Telegram.]

Mexican Embassy, *Washington, D. C.*
(Received April 20, 1912—1.30 p. m.)

With reference to the note of this Embassy No. 1229 of 30th March,[1] your note 155, 6th April,[1] and further correspondence relative to the exportation to Mexico of war materials detained at Marfa, Texas, I have the honor to inform you that the Consul of Mexico at El Paso has informed me that Marshal Nolte, who is detaining said materials, says permission of the Department of Justice is required in order to release said materials. Therefore I request that you be pleased to direct what is necessary.

Gilberto Crespo y Martinez.

File No. 812.113/440.

The Secretary of State to the American Consul at Hermosillo.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 20, 1912—5 p. m.

Shipment of arms to you are made as exception to provisions of the President's proclamation of March 14. Your distribution of the arms should therefore be in the highest measure cautious and discreet, as the purposes of the President's proclamation would be to that extent frustrated if any of the arms sent to you should be used in any way to promote domestic disorder. Sell arms and ammunition only to such Americans as shall satisfy you that they are to be used solely for personal defense and that no possibility exists of their falling into the hands of persons, or of their being used in any way, that would promote domestic disorder in Mexico.

Knox.

File No. 812.00/3674.

Manuel L. Luján to the Secretary of State.

[Telegram.]

New York, *April 20, 1912.*

As delegate from General Pascual Orozco, commander in chief of the Mexican revolutionary army, I beg to convey to you the respects of General Orozco. Should the United States Government see fit to honor General Orozco with any communication I, as his representative, with full powers, am instructed to receive such communication and to make known to you my place of residence in this country. I shall be honored to present to your excellency my personal respects and credentials whenever your Government feels so disposed.

Manuel L. Luján,
225 West 80th St., New York City, N. Y.

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[1] Not printed.

File No. 812.00/3673.

The American Consul-General at Monterey to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE-GENERAL, *Monterey.*
(Received April 21, 1912—10.40 p. m.)

Much talk about American intervention, which has been twice declared foolish by our Government. There are strong reasons why there ought not to be any military intervention and not one in favor of it.

HANNA.

File No. 812.00/3685.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, April 22, 1912—9 p. m.

Mr. de la Barra to-day indicated in conversation the opinion that the present Government could not continue to exist, though personally he hoped it might. I advised him to use the utmost diligence in supporting the present Government to the point where it was apparent it could not live and then to use his influence with Congress.

Conditions in Morelos, Guerrero, Sinaloa, and Puebla growing worse. Bodies of revolutionists of from 100 to 300 in different groups have practically surrounded Mexico City.

WILSON.

File No. 312.11/270.

AMERICAN EMBASSY,
Mexico, April 23, 1912—2 p. m.

Press reports that the U. S. S. *Maryland* is now on the way to Los Mochis are giving Minister Foreign Affairs much concern. He says Mexican Government has no objection to Americans there being taken away by the United States, but on account of effect upon public opinion earnestly hopes that vessel may be revenue cutter or transport.

WILSON.

File No. 812.00/3700.

AMERICAN EMBASSY,
Mexico, April 23, 1912—8 p. m.

The Mexico City press is malignantly denunciatory of the supposed attitude of the Government of the United States. Some papers contain sensational articles practically provocative of attacks on Americans.

WILSON.

File No. 812.113/467a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 24, 1912—11 a. m.

You may intimate to the Minister for Foreign Affairs that unless a more obliging disposition is shown and permission is soon given for importation of arms, ammunition, for Americans at Guadalajara, Tampico, and in Sonora, this Department will not recommend further exceptions to the President's proclamation of March 14, 1912, in favor of the Mexican Federal Government.

Knox.

File No. 812.00/3707.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, April 24, 1912—8 p. m.

I am holding Department's April 24, 11 a. m., until to-morrow in the hope that a better disposition may be shown by the Government.

Rebels have completely beleaguered Cuernavaca City and the probabilities are that it will be surrendered before long. The rebels will then hold practical control of the States of Morelos, Guerrerro, and a part of Puebla and will be in a position to move in strong and increasing numbers toward Mexico City. A defeat in the north in addition would produce a serious situation for this city.

The Government, which suppressed an American paper for publishing the news, though giving the Government editorial support, makes no effort to modify the provocative utterances of the local press.

Wilson.

File No. 812.113/471.

American Embassy,
Mexico, April 25, 1912—3 p. m.

Department's April 24, 11 a. m. Minister this morning stated his utmost good disposition in the matter, but that he was suffering from a lack of cooperation in matters affecting his Department and from antiquated methods of dispatching public business. I believe that the Minister is sincere in his expressions, but I believe that a spirit of obstruction exists in the War Department and perhaps elsewhere.

The exact language of the Department's telegram was read to him but no memorandum was asked for or left, nor shall I treat the matter formally unless otherwise instructed.

WILSON.

File No. 812.00/3721.

AMERICAN EMBASSY,
Mexico, April 25, 1912—9 p. m.

A British war vessel will go to Mexican Pacific coast to aid British colonists. This will probably be the signal for visits on both sides by other nations.

Isthmus situation bad; also Oaxaca. Consul at Saltillo reports capture of Cuatro Cienegas by rebels. General situation the same, with signs of unrest in this city.

WILSON.

File No. 312.11/293a.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, April 25, 1912.

SIR: In order to secure information at first hand as to conditions affecting Americans and American interests on the west coast of Mexico, and to provide a means of escape from the serious situation in which many Americans at various points along the coast have been represented to be by our consular officers, as well as by private persons, I have the honor to request that one of the Army transports now out of commission, of which this Department understands there are two in the harbor of San Francisco, be at once made ready to proceed to the west coast of Mexico for the purposes above mentioned.

The vessel, when ready for sailing, should touch first at the port of San Diego, Cal., there to take on board Mr. Claude E. Guyant, who has been designated by this Department to act as American consular agent at Los Mochis, Sinaloa.

It should then proceed directly to the Bay of Topolobampo, in Sinaloa, and, after having taken on board there such Americans as desire to come away, proceed as soon as possible successively to the ports of Altata and Mazatlan, in the State of Sinaloa; San Blas, in the Territory of Tepic; Manzanillo, in the State of Colima; and then to Acapulco, Guerrero, and Salina Cruz, Oaxaca, at which last place the vessel should await orders as to its return trip. It may be necessary to request that it be ordered to come back up the coast, touching at various ports, to relieve any other Americans who may have been able to come into the ports by that time from interior places.

The Department does not anticipate, from the consular reports it has received, that the number of refugees will be very large, and a ship with capacity for from five to six hundred persons would, it is thought, be adequate for all needs. The vessel should carry, in addition to her regular crew, a good physician, as it has been reported that some of the refugees are ill. It should also be supplied for a cruise to extend over a period of six weeks certainly, and possibly for a longer period, as it may be found necessary to wait at some ports for Americans on their way from the interior, and even to visit some places along the coast other than those mentioned on account of the inability of Americans to reach the ports at which the vessel is now scheduled to stop.

The Department of State can probably arrange to meet the expenses of this trip from its emergency fund, but would prefer not to do so, as the fund is small, in case there are funds at the disposition of the War Department with which the expenses can properly be defrayed.

In the opinion of the Department of State it would be better not to charge the Americans who are taken on board either for passage or for subsistence. The question of the disposition of those who have no homes or friends to go to upon arrival in the United States will be taken up by the Department with the American National Red Cross.

I have [etc.]

P. C. Knox.

File No. 312.11/288a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 26, 1912—2 p. m.

The transport *Buford*, accommodations about 1,000 persons, ordered to Mexico for the purpose of getting in touch with conditions on the west coast as they affect Americans and their interests and to provide transportation for such Americans as can reach the ports of Topolobampo, Altata, Mazatlan, San Blas, Manzanillo, Acapulco, and Salina Cruz. At San Diego the *Buford* will take Guyant on board. The Department desires that the Embassy endeavor to have all Americans who may want to come away adequately informed. You may inform the Minister for Foreign Affairs of the foregoing and say in addition that the newspaper reports relative to orders to the *Maryland* are untrue and that it is hoped the Mexican authorities will do whatever they properly can to aid the *Buford* on its mission, and to have appropriate orders issued to the various officials concerned at the ports en route, and that no misconstruction will be placed upon its movements

On the afternoon of the 24th the gunboat *Yorktown*, accompanied by the collier *Prometheus*, sailed from San José de Guatemala in pursuance of orders issued to her prior to the receipt of your April 23, 2 p. m. It was thought that her small size and the fact that she was near by would keep her mission, which is to get in touch with the situation and to report, from seeming to have any offensive character. Out of deference to the Mexican Government and after a full and satisfactory report from you as to the advisability of such or any other action involving warships, the Department is prepared to have the *Yorktown* instructed not proceed to Topolobampo, but to continue to San Diego.

It seems likely that the French cruiser *Descartes* will arrive at some port on the east coast within the next few days. It is hoped that its arrival will break the shock to the Mexican mind of sending even a warship in case of necessity to the west coast.

Knox.

File No. 312.11/304.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 27, 1912—11 a. m.

The British warship *Algerine* will visit Pacific coast of Mexico and the cruiser *Melpomene* will visit Tampico and Vera Cruz with a purpose identical with our own. I think our course in sending *Yorktown* should not be altered on account of expressions of concern of the Mexican Minister for Foreign Affairs. My opinion is that the coming of our ships, as well as those of other nations, will have a restraining effect upon the public mind. We have about a thousand distressed nationals on the Pacific coast and I advise that they be relieved without apologies in the exercise of our full rights as a friendly nation to dispatch war vessels to the waters of a nation with which we are at complete peace.

If the Department's views agree with those here expressed I should be instructed to advise the Mexican Government that the *Yorktown* will visit Mexican ports in conjunction with the *Buford* and to request that its reception by Mexican officials be similar to that of the *Buford*. The public now knows that British and French ships are en route for Mexico and I discover no signs of resentment except in a few petty newspapers.

WILSON.

File No. 312.11/302.

The Governor of Florida to the Secretary of State.

[Telegram.]

TALLAHASSEE, FLA., *April 27, 1912.*

Citizens of Florida now in Mexico City have to-day wired me requesting that I ascertain immediately whether United States will intervene Mexico and give them warning. Such information as you can consistently furnish me will be appreciated for this purpose.

ALBERT W. GILCHRIST.

File No. 312.11/302.

The Secretary of State to the Governor of Florida.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 27, 1912.

Your telegram of April 27. The President has positively no intention of intervening in Mexico.

KNOX.

File No. 312.11/306e.

The Secretary of State to the American Consul at Hermosillo.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 27, 1912.

The U. S. transport *Buford* sails April 28 from San Francisco to get first-hand information as to conditions affecting Americans and American interests along the west coast of Mexico and to provide a means for bringing to the United States those Americans who wish to leave. The vessel has no offensive character whatsoever, but to avoid misinterpretation among thoughtless Mexicans you will exercise discretion in making the *Buford's* mission known to all Americans you can reach. Cooperate in every possible way with officers of the transport, especially in preventing any persons not entitled to this Government's assistance from embarking.

KNOX.

File No. 312.11/306d.

The Secretary of State to Claude E. Guyant, American Consul at Los Mochis.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 27, 1912.

Board United States transport *Buford* at San Diego as soon as it arrives. You will primarily act for a time as American Consul at Los Mochis if local conditions permit; you will have to decide on the spot the question of staying or leaving. If the greater part of Americans there come away and if all means of telegraphic communication are interrupted, little would be gained by remaining. But it may be advisable to remain in order to get a comprehensive report as to the nature and extent of American properties, the damage done to them, etc., in the sense of the Department's circular instruction to consuls in Mexico of March 21.[2] On the *Buford's* return from the southern ports, it will again touch at Topolobampo. You will then report, with recommendations, upon ways by which communication, particularly telegraphic, can be kept up with the United States, and specifically as to the desirability of establishing special despatch-boat service between Topolobampo and Guaymas or Topolobampo and San Diego.

If there is no need of your remaining at Los Mochis, of course the Department would regard it as a great advantage to have you remain with the *Buford* and make careful report on conditions at all places visited by that vessel.

The foregoing instructions are, of a necessity, general in nature. The Department will therefore have to depend upon your judgment and to rely upon you to decide how best to act.

KNOX.

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[1] Same to American Consuls at Mazatlan, Salina Cruz, Manzanillo, and Acapulco. The telegram to the Consul at Mazatlan not delivered owing to interruption of telegraphic communication.

[2] Printed under "Claims," p. 959.

File No. 312.11/310a.

The Acting Secretary of State to the American Consul at Los Mochis.

[Telegram in care of Collector of Customs at San Diego.—Paraphrase.]

Department of State,
Washington, April 29, 1912—6 p. m.

Communication with the American Consul at Mazatlan is cut off and the Department therefore desires you or commanding officer *Buford* to deliver to him the following telegram from the Department dated April 27, 1912:

> The Department has informed the British Ambassador, in compliance with request of British Government, that if there is room the *Buford* will be glad to extend assistance to any British subjects who seek it after all Americans have been cared for.

Huntington Wilson.

File No. 312.11/304.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, April 30, 1912—1 p. m.

Your April 27, 11 a. m. The Department will let the British and French warships arrive at Mexican ports before passing finally upon the question of the advisability of sending an American warship.

Huntington Wilson.

File No. 312.11/324.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, April 30, 1912—10 p. m.

I am requested by Americans on west coast to ask that some foreigners, especially Spaniards, be taken on board *Buford* in case of necessity, as they have suffered enormous losses and will be in the greatest danger in the event of trouble.

Wilson.

File No. 312.11/324.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, May 1, 1912—4 p. m.

Your April 30, 10 p. m. Since the *Buford* sailed the British Embassy here has requested that British subjects be assisted when possible. Department replied that if there is room after Americans have been cared for *Buford* will be glad to extend assistance to British subjects, and has so instructed the *Buford*. You may inform the Americans who approached you and the consulates on the west coast that Department will endeavor to have *Buford* similarly instructed regarding Spaniards and refugees of other nationalities.

HUNTINGTON WILSON.

File No. 812.00/3771.

Manuel L. Luján to the Secretary of State.

[Telegram.]

NEW YORK, *May 1, 1912.*

I have the honor to transmit to your excellency the following, being the contents of a telegram received by me from General Orozco:

> You can assure State Department that revolutionary party is giving Americans and other foreigners friendly and absolutely fair treatment. Have guaranteed the safety of all foreigners and their property. Every case of an individual outrage against a foreigner or his property is being punished to the full severity of the law. Deny absolutely that we have forced foreigners or Mexicans to make loans to us. Only public loan we have secured is one of 200,000 pesos, raised by voluntary subscription among bankers, merchants, and property owners of Chihuahua. Chamber of commerce of city of Chihuahua secured this loan. Expect important battles soon south of Jimenez. Have perfected organization of our forces. Now have 12,000 men armed and completely equipped with ammunition and rations in State of Chihuahua alone. In other sections of country there are 40,000 more men equally well armed, allied with revolutionary party and loyal to me. Revolutionary party completely controls States of Chihuahua, Sinaloa, Morelos, Guerrero, part of State of Mexico, and almost all of Federal District. New campaigns under way in Tamaulipas, Nuevo Leon, Coahuila, Zacatecas, and Sonora. There is sympathetic feeling for revolutionary party throughout country. Newspapers in City of Mexico strongly inclined in our favor. Public opinion strong against Madero—that, too, despite fact his answer to United States note was designed to stir sentiment in his favor. Madero has held several public meetings which he has crowded with paid shouters. Last night there was big public demonstration in city of Chihuahua in favor of revolution.

MANUEL L. LUJÁN.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, May 1, 1912.

SIR: I have the honor to acknowledge the receipt of your note No. 1397,[1] of the 29th ultimo, in which, in compliance with instructions received by you from your Government, you state that on April 25 foreign concerns operating in the interior of the State of Chihuahua advised the Department of Foreign Relations of Mexico that they have enough coal to last but a short time, and express the opinion that if coal were imported at Ciudad Juárez and other points in the State of Chihuahua from the United States the rebels might seize the fuel for the operation of their trains between Chihuahua and Ciudad Juárez. You state that communication will soon be cut off in that vicinity, and request, as a means of effective assistance to the Federal forces of Mexico, that instructions be issued to the Northern Railway to suspend all traffic between El Paso, Texas, and Ciudad Juárez, Chihuahua.

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[1] Not printed.

The Department has given careful attention to your note under acknowledgement and regrets that it can not entertain the request contained therein.

Accept [etc.]

HUNTINGTON WILSON.

File No. 812.00/3690.

The Acting Secretary of State to the American Ambassador.

No. 804.]

DEPARTMENT OF STATE,
Washington, May 1, 1912.

SIR: The Department acknowledges the receipt of your despatch No. 1364, of the 17th ultimo, with which you transmit a copy of a note to the Mexican Government which you presented to the Minister for Foreign Affairs in pursuance of the Department's instruction of April 14, 3 p. m., relative to the responsibility of Mexico and the Mexican people for American lives and property in Mexico and the treatment of Americans captured as prisoners of war.

Inasmuch as the representations which the Department desired to make had received the approval of the President in the form in which they were telegraphed to you, and were given to the press textually and undoubtedly so reached the Mexican Government through that medium, and as the copy of your note to the Mexican Government which accompanies your despatch under acknowledgment shows you to have made certain alterations and omissions in the text quoted to you in the Department's telegram, the Department desires you to file at the Foreign Office, in addition to your original note, a note communicating to the Mexican Government textually the instructions quoted to you above referred to.

I am [etc.]

HUNTINGTON WILSON.

File No. 312.11/359.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, May 4, 1912—1 p. m.

The Embassy is constantly receiving urgent appeals from American citizens who, on account of the widespread disturbances and business depression, have lost all their property through no fault of their own. In many cases they are unable to remain longer in the interior. Are there any funds, Red Cross or other, which could be placed at the disposal of the Embassy to be used with the greatest discretion and only after thorough investigation of each case for temporary relief of such persons and for returning them to the United States?

WILSON.

File No. 812.00/3801.

The American Consul at Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Ciudad Juárez, May 4, 1912.

Special envoy of Pascual Orozco to-day formally appointed Vásquez Gómez Provisional President of Mexico at Ciudad Juárez, where the seat of government will for the present remain.

EDWARDS.

File No. 812.00/3834.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico City, May 7, 1912—8 p. m.

The original text of Department's instruction of April 14, 3 p. m., has to-day been transmitted to the Foreign Office in pursuance of Department's instruction No. 804 of May 1.

WILSON.

File No. 812.00/3828.

The American Consul at Nuevo Laredo to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Nuevo Laredo, May 7, 1912—8 p. m.

Emilio Vásquez Gómez has been ordered by Orozco to leave Mexico. Orozco is dissatisfied with the policy of Vásquez Gómez during his brief provisional presidency.

GARRETT.

File No. 812.00/3963.

The American Ambassador to the Secretary of State.

[Extract.]

No. 1410.]

AMERICAN EMBASSY,
Mexico, May 15, 1912.

MY DEAR MR. KNOX: Quickly following the transmission of my despatch of March 20 came the Federal defeats in the battles fought about Torreón, a development of worse conditions throughout the

Republic, and especially in the States of Sinaloa, Guerrero, Morelos, and the isthmian part of Oaxaca. The Government's marked inefficiency and [sic] the conduct of its campaign in the north, and its apparently inadequate and blundering methods in meeting emergencies in other parts of the Republic have had the effect of producing here and perhaps generally a profound skepticism as to its ability to successfully meet the hourly increasing dangers which are encompassing it.

There are foreigners who take a more cheerful view of the situation than this, and who believe that, with the triumph of the Federals in the north, the backbone of the revolution will be broken and order will be restored. I wish that I could share in these views, and I shall be the first to adopt them when assured that they are well founded; but, believing as I do that the disease in the Mexican body politic is inherent, I can see no cure for the situation until the Mexican people as a whole become aroused to the fact that the nation is rapidly drifting into anarchy and until its ablest and best citizens join in active and patriotic support of the present administration. Of this I see no signs at present.

I have noted with some surprise Ambassador Calero's statement in the American press that conditions in Mexico were improving and that at the present time only one State, viz, Chihuahua, was in rebellion against the Government. No one knows better than Mr. Calero that his optimistic views of the situation here are not justified by the facts. Mr. Calero's additional statement that there is no anti-American sentiment in Mexico is, I regret to say, not founded on fact. The existence of this sentiment has been the cause of great concern to this Embassy for the past year and a half and the subject of frequent formal and informal discussions with the Foreign Office. The anti-American sentiment has been created by the Mexican press and is largely artificial, but it exists and must be reckoned with. It is true that the sentiment is political and not personal, as Americans treat their Mexican employees better than any other foreigners or Mexicans, and are honest and just in their dealings with them; but considerations of this character are all swept away by the hostile attitude of the press and the violent expressions of many public men. There is no disposition whatever on the part of either the press or of public men to render either justice or proper consideration to our motives, and there seems to be a complete lack of appreciation of the frequent and valuable services which we have rendered from time to time. I do not believe that this anti-American sentiment can be conjured away by a conciliatory attitude, but it may be repressed and possibly finally obliterated by the maintenance by our Government of a just but firm and stern attitude.

The economic situation in the country grows steadily worse. Some American merchants have closed their concerns and left the country. Others inform me that it is only by the utilization of all their resources and heavy reduction in expenses that they have been able to ward off failure. Banks have great difficulty in maintaining their reserves and at the same time keeping down abnormal rates of exchange. The Government's securities held abroad, as the Department will perhaps have noticed, have suffered a considerable depreciation and the paper currency issued by the banks under the Mexican banking law is not only being discounted heavily on the

American border but is regarded with a certain amount of suspicion in the interior. Considerable suffering has also been caused by the closing of coal mines, smelters and factories and by a marked disposition on the part of the peons to abandon their work on the great estates for the purpose of pillaging and looting on a large or small scale with small or large bands. These conditions must naturally, unless soon cured, bring on a financial crisis which would add heavily to the burdens of the present administration and perhaps imperil its existence.

I ought to call the special attention of the Department to the many irresponsible representations of conditions in Mexico which are being made in some cases by persons with authority, knowledge and prestige, and by others who either hold a brief from the Government or from the revolutionary party or are governed by gratitude for past governmental favors received and anticipation of others yet to come. Some want intervention for selfish consideration and some are opposed to it for similar reasons. The information which these people supply to the press, members of Congress, the President and the Cabinet is with rare exceptions biased by their own interests, influenced by ulterior motives, or originates in an abnormal appetite for the temporary glory of the limelight. There also seem to be some irresponsible representatives of the press here whose attitude appears to be either to influence public opinion in Mexico and the United States with lurid and imaginary outrages or for reasons of self-interest to portray Arcadian conditions which do not exist. I presume the Department estimates the class of people which I am discussing at their true value, and my only purpose in referring to them is that it may be known that the Embassy is fully conscious of the existence of a semiorganized movement both by the Government and by the revolutionists to influence American public opinion.

I am [etc.]

HENRY LANE WILSON.

File No. 312.11/446.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 17, 1912—5 p. m.

Inform all deserving Americans who may wish to return to the United States and have no other means to do so that the *Buford* will touch at Manzanillo on or about May 22, San Blas May 23, and Mazatlan May 24. It is desired to give the trip northward as great publicity as possible, and in time to inform all Americans who need assistance and transportation.

KNOX.

File No. 812.00/4007.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, May 24, 1912—5 p. m.

Zapata has by letter announced to Consul General Shanklin his intention to attack the City of Mexico and asks that Americans be advised in order to remove from the city. I desire the Department's instructions, and meantime have instructed the Consul General to make no reply to Zapata.

WILSON.

File No. 812.00/4007.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 25, 1912—1 a. m.

If you believe the letter to be really from Zapata, and representing his real intentions, immediately inform President Madero, in strict confidence. Also tell the Defense Committee of the Society of the American Colony quickly and quietly to circulate the news among all Americans so that if the attack is made they may gather at the selected concentration points, where the American flag should be flown. No reply should be made to Zapata. No part should be taken by Americans in disorders unless urgently necessary for self-protection. Use your discretion in informing other foreign colonies.

KNOX.

File No. 812.00/4025.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, May 25, 1912—10 a. m.

Zapata's communication mentioned in my May 24, 5 p. m., has been addressed to all consuls general here and the evening papers have published its substance; I learned this after sending my telegram. Perfect arrangements for concentration of American colony have for some time been in effect. Consul General made no reply to Zapata, whose letter caused but little alarm here; it is believed his forces are insufficiently armed to undertake a considerable movement.

WILSON.

File No. 812.00/4070.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, May 29, 1912—12 noon.

A proclamation addressed jointly to the Mexican and American Governments has been prepared for publication by the rebel authorities, calling attention to the aid given by the American Government to the Mexican, and declaring that the continuance of such acts will make it impossible to protect Americans, however much the leaders may wish to do so. This threat is so bold and insolent that it seems hardly safe for Americans to remain within rebel jurisdiction any longer; to do so would practically invite to acts of violence. I suggest demanding trains and safe conduct for Americans, and such other foreigners as may care to go, to the American border.

LETCHER.

File No. 812.00/4070.

The Secretary of State to the American Consul at Chihuahua.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington May 30, 1912—3 p. m.

Your May 29, noon. Make unofficial but firm demand of Orozco for an explanation of his proclamation in so far as it affects Americans. Informally, but vigorously protest against any effort on his part, direct or indirect, to evade the obligation to protect noncombatants imposed by the rules of civilized warfare and by civilization. Remark upon the disastrous consequences of departure from proper procedure in such cases. Demand ample protection to all American citizens and their interests and safe conduct and transportation facilities to the Texas border for any who may wish to leave Mexico. Suggest safe conduct for other foreigners. Discreetly inform Americans of any danger you believe to exist; also suggest to them the desirability of their withdrawal as soon as possible from rebel territory, whenever you think it requisite.

KNOX.

File No. 812.00/4091.

The American Consul at Chihuahua to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN CONSULATE,
Chihuahua, May 31, 1912—1 p. m.

Headquarters sought my opinion as to proclamation referred to in my May 29, noon. I told them the document was extremely vicious and would be taken as an invitation to violence, and in the United States would be taken as a threat against Americans unprecedented among civilized peoples. In consequence of my representations the proclamation will be issued in greatly modified form. At interview mentioned safe conduct was promised for Americans. I am, however, to-day making additional representations as per Department's May 30, 3 p. m. Much bitterness among rebels toward Americans because they claim that if the laws relating to introduction of munitions of war had not been executed they would have been victorious. Situation somewhat better, however.

LETCHER.

File No. 312.11/572.

American Consulate,
Chihuahua, June 3, 1912—noon.

Residence of William H. Craft sacked by squad of rebels last night in defiant disregard of my repeated representations. Fifty cases of powder, heretofore forcibly taken, not yet returned. Later shipment 102 cases short. Protests from this office receive no consideration. Few Americans have left. Desirable first to have concerted action by the various industries. It seems now prudent to secure this because of rebels' obstinate disregard of all warnings and absence of any kind of guaranty. General sacking of commercial houses expected if rebel cause grows desperate.

Letcher.

File No. 312.113/572.

The Secretary of State to the American Consul at Chihuahua.

[Telegram.—Paraphrase.]

Department of State,
Washington, June 5, 1912.

Department approves your course, notwithstanding rebels' failure to heed your representations. Instructions already sent you believed sufficient.

Knox.

File No. 812.00/4134.

The American Consul at Nuevo Laredo to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Nuevo Laredo, June 5, 1912—11 a. m.

Huerta has arrested Villa and sent him to Mexico City for trial. Family of Orozco en route to Europe, he to follow, it is believed.

Garrett.

File No. 812.00/4152.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Chihuahua, June 7, 1912—10 a. m.

Conference with Orozco June 4. He totally denied responsibility for threats against Americans made in the recent manifesto reported in my May 29, noon; he made apologies therefor, promised to rectify all pending complaints. Little to be expected therefrom, however.

Rebels announce intention to negotiate a loan $10,000,000 (Mexican) New York. Unlikely story, intended to cheer up partisans.

All Americans prepared to leave if danger appears imminent.

Small arms, 50,000 rounds, received from Paso del Norte by rebels yesterday

Letcher.

File No. 812.00/4246.

The Secretary of State to the American Ambassador.

No. 879.]

DEPARTMENT OF STATE,
Washington, June 28, 1912.

Sir: There are enclosed herewith for the information of the Embassy copies of two letters from the Department of Justice, of June 13,[1] with enclosures, and of June 19,[1] and a copy of a letter addressed by this Department to the Attorney General[1] relative to the alleged recruiting of soldiers for the Mexican Government, in the American border States, and the apparent connection therewith of Mr. E. C. Llorente, the Mexican Consul at El Paso.

The laws of this Government are peremptory in their provision that no person shall within the territory or jurisdiction of the United States enlist or enter himself, or hire or retain another person to enlist or enter himself or to go beyond the limits or the jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign State as a soldier; and the unmistakable object of these laws is to prevent every such act. Moreover, these laws are in strict conformity with the law of nations, which declares that no State has a right to raise troops for service in another State without its consent, and that whether forbidden by the municipal law or not the mere attempt to raise troops without such consent assails the national sovereignty.

If, then, agents of the Mexican Government have enlisted or attempted to enlist military recruits, their action would appear to be either in studied evasion of the law or in violation thereof; and in either alternative it is alike injurious, and if the former is the case and these agents have escaped punishment as malefactors such successful evasion only serves to increase the degree of wrong that has been done to the United States. (See Moore's Digest, vol. vii, p. 879 et seq.)

You are instructed to invite the attention of the Mexican Government to this matter in the above sense and to say that in view of the public rights and the municipal law of the United States it is a matter of surprise to this Government to find that the investigations of the agents of the Department of Justice seem to show that the engagement of persons within the United States to proceed to Mexico there to serve as soldiers of the established Government has been going on and that it is difficult for this Government to understand how the raising of troops in this country could be reconciled with a due regard for the sovereignty of a friendly neighbor.

You are also directed to say that this Government, while it is loath to believe that the recruiting which the investigations of the Department of Justice seem to show has been taking place is being carried out with the knowledge or under the direction of the Mexican Government, trusts that the Government of Mexico, realizing the injurious character of such activity, will at once take steps to have recruiting for Mexican Federal forces, whether authorized or not, cease immediately, and will at once give to all persons concerned who may be under the control of the Mexican Government—particularly to the Mexican Consul at El Paso—instructions of such a character that they will desist from any attempt to recruit soldiers on American soil. You may say finally that the Department of Justice has been requested by this Department thoroughly to investigate all apparent infractions of the so-called neutrality statutes of this country, and to proceed in accordance with the law against all who may be found guilty of such infractions, and so to put an end to action infringing the municipal law of this country and derogatory to the sovereignty of the United States.

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[1] Not printed.

I am [etc.]

P. C. KNOX.

File No. 312.111 Ad 11.

The Acting Secretary of State to the American Consuls at Ciudad Juárez and Chihuahua.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 5, 1912—8 p. m.

Information received of the murder of an American citizen, William Adams, at Colonia Diaz, by rebel soldiers. The Department also learns that the retreat of the rebels toward that section will probably place American citizens and American property there in the most serious danger. You will call the case of Adams and the general situation of American colonies immediately to the attention of the rebel authorities, and with the utmost seriousness unofficially represent to them that insurrectionists must not disturb Americans nor their property.

The probable breaking up of the rebel forces as they move northward into small marauding bands causes the Department grave apprehension, and you are instructed to do your utmost to protect American life and property.

HUNTINGTON WILSON.

File No. 312.111 Ad 11.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 5, 1912—8 p. m.

The following to American Consuls at Ciudad Juárez and Chihuahua:

[See next above.]

Make immediate urgent representations to the Mexican Government regarding absolute necessity of protection of American life and property by that Government to the utmost of its power.

HUNTINGTON WILSON.

File No. 812.00/4422a.

The Secretary of State to the Secretary of the Navy.

Department of State,
Washington, July 13, 1912.

Sir: This Department has been informed by the American Ambassador at Mexico City, who was recently in Washington under orders to confer with the Department regarding the political situation in Mexico, by Mr. Claude E. Guyant, the Department's special representative on board the Army transport *Buford* during its mission to the west coast of Mexico to bring American refugees back to the United States, and various other persons whose recommendations and opinions are worthy of respect, that the presence of a United States war vessel in Mexican waters at this time on a friendly visit would be productive of a desirable moral effect upon the minds of the local population, would add to the prestige of this Government, and would cause greater respect to be shown in the future both to this Government and to the citizens of the United States resident in Mexico.

Accordingly I have the honor to request that the Navy Department will, at its convenience in the near future, order a war vessel to make such a visit to the west coast of Mexico. This Department understands that the U. S. S. *Annapolis* is at present at San José de Guatemala, and if that vessel is available it is suggested that upon the termination of its duty at San José de Guatemala it be ordered to proceed northward along the west coast, touching at Salina Cruz, Acapulco, Manzanillo, San Blas, Mazatlan, Altata, Topolobampo, and Guaymas, remaining a day or two at each place, or longer in the event the commander thinks that any good will be accomplished thereby, so that the populace may learn of the presence of the ship and take notice of it and the ship's officers may get in touch with local officials, both civil and military.

It is requested that the commander be fully acquainted with the Department's purpose in having his ship undertake this visit, and that he be given broad instructions so as to enable him to promote in every way possible good feeling between our two Governments and to impress upon the local population the strength and power of the vessels of our Navy.

The Department has no decided preference as to the order in which the west-coast ports shall be visited [etc., regarding the details of the itinerary].

The Department begs to observe in this connection that the visit of an American warship to the east coast of Mexico, where British, German, and French war vessels are frequently seen, would be no less impressive and would be even more valuable than a visit to the west coast. It is accordingly suggested that shortly after the completion of the west-coast visits a powerful battleship, if it can be spared (and if it can not, the largest and most impressive ship available), be despatched for a series of visits similar to those just suggested for the west coast, to the Mexican Gulf ports of Tampico, Vera Cruz, Puerto Mexico (Coatzacoalcos), and possibly Frontera and Progreso, since the presence of a really formidable vessel at these places would not only attract much attention locally but would indeed be noticed much more by people in the interior of the country than a vessel visiting the west coast, which is a much more isolated section.

I am [etc.]

P. C. KNOX.

File No. 812.00/4438.

The Acting Secretary of State to the American Ambassador.

No. 907.]

DEPARTMENT OF STATE,
Washington, July 19, 1912.

SIR: Acting upon a suggestion made by you during your recent visit to Washington, to the effect that casual and friendly visits to Mexican ports by vessels of our Navy would have a beneficial moral effect upon the Mexican people, this Department has requested the Navy Department to detail vessels to make such visits, both to the west and east coasts of Mexico.

The Department's letter of July 13 to the Navy Department and the latter's reply of July 18,[1] copies of which are enclosed herewith, will make clear to you the arrangements that have been made. You are instructed to bring the proposed visits—to which the Department assumes no objection will be urged—to the attention of the Mexican Government, and to point out that the despatch of these vessels to Mexican waters is merely for the purpose of making a casual visit, such as vessels of all nations are accustomed to make from time to time to foreign ports, and that their mission is entirely friendly and without ulterior purpose. Request that the Mexican officials at the various ports to be touched be duly informed, and notify consular officers at the various ports so that such arrangements as are necessary can be conveniently made.

I am [etc.]

ALVEY A. ADEE.

File No. 812.00/4511.

The American Ambassador to the Secretary of State.

No. 1545.]

AMERICAN EMBASSY,
Mexico, July 24, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 879 of the 28th ultimo, relative to the alleged violation of the neutrality laws of the United States by certain persons supposed to be agents of the Mexican Government, particularly Mr. E. C. Llorente, Mexican Consul at El Paso, Texas, and to transmit herewith copies of my note to the Foreign Office and of its reply thereto, together with a communication[1] written by the Military Attaché of this Embassy, all having a bearing on the subject mentioned.

I have [etc.]

HENRY LANE WILSON.

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[1] Not printed.

[Inclosure 1.]

The American Ambassador to the Mexican Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, July 17, 1912.

MR. MINISTER: Through information furnished by the agents of the Department of Justice, my Government has learned that ostensible agents of the Government of Mexico have been and are at the present time engaged in recruiting soldiers for the Mexican Army in American border States. The reports of the agents of the Department of Justice are specific as to the time and place of these illegal enlistments alleged to have been encouraged, aided, and abetted by agents of the Mexican Government, and the name of the Mexican Consul at El Paso, Mr. Enrique C. Llorente, is connected therewith by strong circumstantial evidence, numerous witnesses having testified to having been paid for their services in the Mexican Consulate at El Paso.

The laws of the Government of the United States are peremptory in their provision that no person shall, within the territory or jurisdiction of the United States, enlist or enter himself or hire or retain another person to enlist or enter himself or to go beyond the limits or the jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign State as a soldier, and the unmistakable object of these laws is to prevent every such act. Moreover, these laws are in strict conformity with the law of nations which declares that no State has a right to raise troops for service in another State without its consent, and that whether forbidden by the municipal law or not the mere attempt to raise troops without such consent assails the national sovereignty.

If, then, agents of the Mexican Government have enlisted or attempted to enlist military recruits, their action would appear to be either in evasion of the law or in violation thereof; and in either alternative it is alike injurious, and if the former is the case and these agents have escaped punishment as malefactors, such successful evasion only serves to increase the degree of wrong that has been done to the United States.

I am also directed to say that my Government, while it is loath to believe that the recruiting which the investigations of the Department of Justice seem to show has been taking place is being carried out with the knowledge and under the direction of the Mexican Government, trusts that the Government of Mexico, realizing the injurious character of such activity, will at once take steps to have recruiting for Mexican federal forces, whether authorized or not, cease immediately and will at once give to all persons concerned who may be under the control of the Mexican Government—particularly to the Mexican Consul at El Paso—instructions of such a character that they will desist from any attempt to recruit soldiers on American soil.

I am instructed to say, finally, that the Department of Justice has been requested by the Department of State thoroughly to investigate all apparent infractions of the so-called neutrality statutes of the country, and to proceed in accordance with the law against all who may be found guilty of such infractions, and so to put an end to action infringing the municipal law of the Government of the United States and derogatory to the sovereignty of that Government.

I avail [etc.]

HENRY LANE WILSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, July 20, 1912.

MR. AMBASSADOR: Having noted the contents of your excellency's note No. 5379 of the 17th instant,, received yesterday, in which you inform me that, according to reports which have been obtained by the Department of Justice of the Government of the United States, agents of the Government of Mexico have been recruiting soldiers in frontier American States, the Mexican Consul at El Paso, Mr. Enrique C. Llorente, having aided in that recruiting, I have the honor to inform you that my Government has taken especial care to observe strictly the international neutrality laws and has not authorized the recruiting of troops for the Mexican Army on American territory.

Even though I had all confidence that the Mexican Consul, on his part, had not transgressed his duties, yesterday he was asked to report under the strictest responsibility, and has answered in the terms of the following message, which I have the honor to transcribe:

"I beg that you will please assure the American Ambassador at that place that neither I nor agents of this Consulate have ever recruited persons in American territory for the Mexican army, a thing which I can prove to the authorities at this place should they make an investigation, which I invite them to do. If any person has violated the neutrality laws I have ever been the first to become active in punishing him. You may be assured that the asseveration against me or against agents of this Consulate proceeds from enemies who are searching for means of provoking trouble for our Government."

It is, therefore, a satisfaction for the Mexican Government to answer on this occasion that its international obligations have been complied with, and to respectfully beg your excellency to make known to your Government the content of this note. In the same manner I beg that there may be communicated to my Government, if it is not found inconvenient, the reports which you may have relative to violations which should be suppressed, in order to direct Consul Llorente, once more, to proceed with the necessary activity to impede such recruiting, for the Mexican Government affirms that it proposes to maintain itself within the limits of the strictest legality and avoid all those acts which might bring, even indirectly, as a consequence, a complaint of a nation so friendly as the United States.

It is pleasing to me to reiterate [etc.], PEDRO LASCURAIN.

File No. 812.00/4481.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, July 24, 1912—11 a. m.

Suspension of constitutional guaranties decided on yesterday. This is practically a declaration of martial law in the States of Sonora, Morelos and Chihuahua, and parts of Durango, Puebla, Tlaxcala and Mexico. The reason given by the Government is the increase of atrocities, violation by rebels of laws of civilized warfare in said States. Commanding general in the zone publicly states that he is unable to deal with the situation, not having strong enough forces. There is a simultaneous revival of rebel activity in both north and south. It may be a movement toward cohesion.

WILSON.

File No. 312.11/755a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 26, 1912—3 p. m.

In a speech in Congress, Senator Fall, of New Mexico, declares that the American citizens whose names are given below have either been killed, or robbed, or have suffered indignity—it is not clear from his speech just which; and that El Paso citizens have been arrested in Juárez and shot. He also alleges the killing, January 22, 1911, of an American woman citizen of the United States, in some colony (not named), and the outrage of her young daughter (name not given), presumably in an American colony near the border (location not given); also that a little girl named Mabel Richardson was outraged, neither time nor place given. He also alleges that $5,000 worth of flour belonging to American citizens was seized in Juárez while under the seal of the American Consulate.

The persons first above referred to are named J. P. Brown, Guy Taylor, Leslie Combs, John Tilford, B. L. Croft, Rulon Peterson, Daniel Skousen, James Skousen, Joseph Jackson, Loran Taylor, Harvey Taylor, George Romney, James Young, James Memmott, Ernest Goldner, Mr. Hollingsworth.

The Department has no record of any of these alleged occurrences. Investigate and report immediately.

KNOX.

File No. 312.11/759.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, July 28, 1912—11 a. m.

Department's telegram of July 26, 3 p. m. The persons mentioned by Senator Fall have never been heard of at the Embassy, and it is believed that any American consular officer in Mexico would be sure to report such indignities to the Embassy and to the Department if known. The allegations of Senator Fall cannot be investigated in the absence of reasonably specific data concerning time and place. If there is any truth in the allegations at all it is more than likely that they may be traced to retaliatory border raids between Americans and Mexicans.

No case presented to this Embassy, either directly by a claimant or through official channels, has failed to be supported by the necessary diplomatic representations to the Mexican Foreign Office. Senator Fall ought, it appears to me, in the interest of the relations between the United States and Mexico, to be answered by a senator conversant with the facts.

WILSON.

File No. 812.00/4500.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 28, 1912—midnight.

The American Consul at Ciudad Juárez telegraphs:

In the Casas Grandes district the rebels are disarming American citizens. American rights, it is said, will receive in the future no more consideration than

Mexican. Rebels very bitter against American Government; their desperation is such that I fear they will do what they can to cause intervention. Nothing more that I can think of to Orozco to influence rebels to improve situation. A demand should be made on the Mexican Government to at least draw the attention of the rebels part of the time from their devastations.

Bring this extremely urgent matter to the attention of the Mexican Government and say with all possible earnestness that this Government expects the Mexican Government immediately to make every possible effort to relieve the situation and protect American life and property.

KNOX.

File No. 812.00/4510.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, July 29, 1912—4 p. m.

I submitted a copy of Department's July 28, midnight, to the Minister for Foreign Affairs this morning, calling his attention to the extreme gravity of the situation, the possibilty of extensive and appalling outrages to American persons and property, the consequent profound indignation in the United States, and the difficulties of controlling the border population under such circumstances. Mr. Lascurain showed great concern and promised to act immediately to alleviate the situation. He immediately consulted with the Minister of War and General Huerta, and wrote me that Huerta said the Federal forces will occupy Casas Grandes district probably within two days and will immediately give preferential attention to Americans and their interests. The Minister expressed his deep regret that the seditious and revolutionary elements are so lost to patriotism and humanity as to harm foreigners, particularly Americans, and declared that their acts are strongly repugnant to the Mexican people.

WILSON.

File No. 812.00/4500.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 29, 1912—4 p. m.

Lay Department's July 28, midnight, before American Consul at Chihuahua; instruct him to send Department his recommendations as soon as possible, and to do all he can to alleviate situation in rebel territory. See Department's March 2, 2 p. m., and telegraph your recommendations concerning advisability of Americans leaving their present residences.

KNOX.

File No. 812.00/4500.

The Secretary of State to the American Consul at Ciudad Juárez.

[Telegram.—Paraphrase.]

Department of State,
Washington, July 29, 1912—7 p. m.

Your telegram July 28.[1] Point out to the insurrectionary authorities that any willful molestation of the persons and property of American citizens in territory now occupied by insurrectionary forces will be intensely resented by the Government and people of the United States. Informally and unofficially demand that there be no maltreatment of Americans or their property. Say to Orozco that he must at once so inform subordinate insurrectionary leaders. See the telegram from Department to Consul at Chihuahua, dated April 14, 3 p. m., forwarded by you.

Knox.

File No. 812.00/4514.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Ciudad Juárez, July 29, 1912.

Mexican consul at El Paso, who is in charge of Federal troops north of Casas Grandes, promises to give immediate orders to crowd rebels in that section. I would suggest curtailment of importations at this port to the United States, as well as exports. Rebels are gathering funds from collections on imports and exports, which induces them to remain; curtailment would weaken them and hasten their departure. Great alarm caused by statements of subordinate rebel officers of intention to force intervention. Conditions will improve with Federal advance.

Edwards.

File No. 812.00/4522.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, July 30, 1912—6 p. m.

In accordance with your July 29, 4 p. m., I have forwarded your July 28, midnight, to the Consul at Chihuahua, and added following:

> The Department subsequently instructed the Embassy to instruct you to do all you can to alleviate conditions and to send Department your recommendations as soon as possible. The authority lodged in you hereby should be used

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[1] Quoted in Department's July 28 to the Ambassador.

without hesitation if conditions exist with you similar to those reported by Consul Edwards. When and where necessary act on Department's March 2, 2 p. m.

WILSON.

File No. 812.00/4511.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, July 31, 1912—7 p. m.

I am replying to instructions of July 30 from Ambassador as follows:

> I believe Federals will not occupy Casas Grandes district for two or three weeks. Campaign perfectly incompetent and no relief for Americans in northwestern part of the State for a considerable time. Occasional squads of rebels reported, but impossible to communicate specific warning of them to Americans. Madera cut off two weeks.

LETCHER.

File No. 812.00/4531.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN CONSULATE,
Ciudad Juárez, July 31, 1912.

Your July 29, 7 p. m. General Orozco informed me to-day that he would listen to me personally but not officially. He denies that his following welcome intervention; claims it was imperative to disarm American colonists as his forces needed the arms and ammunition. He made no promise of compliance with Department's message but strongly deprecated the fear that Americans would encounter injury from his men.

EDWARDS.

File No. 812.00/4614.

AMERICAN CONSULATE, CIUDAD JUÁREZ,
(Received August 12, 1912—11.26 p. m.)

According to General Orozco, President Madero is to resign in pursuance of a basis for cessation of hostilities which he claims has been agreed upon, to be concluded with General Huerta soon. Casas Grandes district now in control of Federals; conditions better.

EDWARDS.

File No. 812.00/4636.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, August 15, 1912—1 a. m.

Revolutionary situation greatly aggravated. Frontier conditions causing greatest anxiety account international dangers involved.

There seems to be, however, less bitterness, and if our nationals in States of Sonora and Chihuahua urgently require relief, it could be given without arousing much agitation. But in southern Mexico conditions are very distressing, great increase in number of marauding rebel bands, whose attacks are accompanied by unspeakable barbarities, mutilations, burnings. Evidence of increasing inability of Government to cope with the situation.

WILSON.

File No. 812.00/4643.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN CONSULATE,
Ciudad Juárez, August 16, 1912.

Last remnant of Orozco's army evacuated Juárez this morning. Federal forces expected within two days, with restoration of normal conditions.

EDWARDS.

AMERICAN CONSULATE, CIUDAD JUÁREZ,
(Received August 20, 1912—11.45 p. m.)

Federals occupied Juárez to-day. Civil government to be established to-morrow and railroad traffic resumed. General belief that revolution is ended in State of Chihuahua; refugees will now return to their homes. General rejoicing.

EDWARDS.

File No. 812.00/4686.

The Acting Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, August 20, 1912.

SIR: I have the honor to acknowledge receipt of your letter of the 19th instant[1], informing me that in compliance with the request of this Department that a naval vessel be ordered to make a cruise to the west coast of Mexico, the *Vicksburg* has been substituted for the *Denver*, which it was originally intended to send, and will proceed as soon as practicable first to the port of Guaymas, there to await further orders.

In response to your request for an expression of opinion as to what special instructions should be given the commander of the *Vicksburg*, in view of the change that has lately come about in Mexican conditions I have the honor to say that, although the Department thinks the instructions which it was orginally requested should be given the *Denver* should not be materially altered, it would nevertheless be glad to have the commander of the *Vicksburg* informed that upon arrival at Guaymas he should put himself in touch with the American consular agent at that place and the American Consul at Hermosillo; that in conjunction with them he should carefully observe the local situation, reporting thereon from time to time; and that in case of sudden or great emergency, seriously menacing American life and property, he should take such steps to afford them protection as may commend themselves to his discretion under the circumstances.

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[1] Not printed.

For the information of the commander of the *Vicksburg*, the Department begs to state that the scene of Mexican revolutionary activity seems at the present time to be rapidly shifting to the western section of the country, this movement being most noticeable in the State of Sonora, where two large bodies of rebels in conjunction with the Yaqui Indians have crossed the Yaqui River near Tonichi and are making their way via San Javier and Alamos toward Hermosillo, the capital of Sonora, with the object of capturing it and of later capturing Guaymas. The Consul at Hermosillo reports the general situation to be serious, since there are practically no Government troops with which to oppose this advance.

There are many American interests in the vicinity of Hermosillo and Guaymas, as well as in the Yaqui River valley and elsewhere in Sonora, which would be seriously jeopardized if insurrectionists secure control of Hermosillo and Guaymas and the southern part of Sonora; and it is chiefly for this reason that the Department begs to request that the *Vicksburg*, after its arrival at Guaymas, shall remain there until the future course of events can be foreseen with more or less certainty and a definite course of action can be outlined.

I have [etc.]

Alvey A. Adee.

File No. 812.00/4692

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, August 22, 1912—1 p. m.

In the States of Morelos, Mexico, Puebla, Oaxaca, Michoacán and Guerrero conditions are as bad as at any time during the two revolutions, if not worse; disorders becoming more general; violence of the most barbarous character daily occurring. The Government, apparently incompetent to meet the situation, is losing what little prestige it gained from victories in the north. I urge the most rigid precautions relative to the State of Sonora where the Chihuahua barbarities will doubtless be repeated in worse forms and on a larger scale.

Wilson.

File No. 312.11/811.

American Embassy,
Mexico, August 22, 1912—3 p. m.

The President's attention should, I believe, be called to the growing anti-American spirit of the Madero administration, which not only shows a decided preference for European markets in all lines but is harrassing and discriminating against American interests, at the instigation of a group of corrupt men who surround the President, and manifested recently in the lockout of the American employees of the railways, in the persecution of the Associated Press, and the one American newspaper in Mexico, in the Government's suborned decision in the Tlahualilo case, in the discriminatory and almost confiscatory tax placed on the oil products at Tampico, and in the present attempt to annul the concession of the Mexican National Packing Co. in spite of the protests of the Embassy and the British Legation, which annulment would involve a loss of several million pesos to the United States Banking Co. trust. The Embassy will do all it can to prevent these unjust acts, but it is respectfully suggested that a positive stand in all Mexican matters is advisable, in view of the services we have rendered to Mexico and our patience with the Government.

WILSON.

File No. 812.00/4692.

The Acting Secretary of State to the American Ambassador.

[Telegrams.—Extracts.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, August 24, 1912—2 p. m.

Your August 22, 1 p. m. The *Vicksburg* will watch the situation from Guaymas and the War Department has taken steps to deal with any situation that may arise along the Sonora border.

The situation has also been brought to the attention of the Mexican Ambassador, who states that there are 3,600 Federal troops in Sonora but that he does not know how they are distributed. He admits the present governor's incapacity for dealing as a military commander with present conditions, of which the Minister seems to be uninformed. It was intimated to him that this Government regards the situation as serious and one that should be handled energetically, and it was suggested that additional troops could doubtless be sent to Sonora via Manzanillo or Mazatlan, and the Ambassador said he would immediately telegraph his Government about it.

HUNTINGTON WILSON.

File No. 812.00/4708b.

DEPARTMENT OF STATE,
Washington, August 24, 1912—3 p. m.

Department's 907, of July 19. *Vicksburg*, which sailed from San Diego August 22, will proceed first to Guaymas, arriving there about August 28, and later proceed to the other west-coast ports in her itinerary. So inform Mexican Government.

In view of the situation that has arisen in Sonora the *Vicksburg* has secret orders to remain at Guaymas for the protection of American citizens and American interests in that region until it is possible to foresee with more or less certainty what will be the course of events.

The *Des Moines* will make a casual visit to the east-coast ports similar to that outlined for the west coast, and will start some time during the first week in September, going first to Tampico, and touching later at Vera Cruz and Progreso, and possibly at Coatzacoalcos. You will be informed of itinerary later. Make same representations to the Mexican Government for her as for *Vicksburg*.

HUNTINGTON WILSON.

File No. 812.00/4718.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, August 26, 1912—10 a. m.

Foreign Office will be informed to-day of contemplated visits of *Vicksburg* and *Des Moines* to Mexican ports, imparted in Department's August 24, 3 p. m. Visits will have good moral effect.

WILSON.

File No. 812.00/4719.

AMERICAN EMBASSY,
Mexico, August 26, 1912—12 noon.

Mexican Government is most vague and unsatisfactory with reference to conditions in Sonora. I doubt its ability to dominate situation in Sonora. I shall, however, make renewed efforts to-day. Capt. Burnside greatly doubts ability of the Mexican Government to send a force of any degree of efficiency except from the immediate command of Gen. Huerta in Chihuahua.

WILSON.

File No. 812.00/4720.

AMERICAN EMBASSY,
Mexico, August 26, 1912—5 p. m.

A suspension of constitutional guaranties equivalent to martial law took effect to-day over about one-third of the Republic. Press censorship exists at all interior points. Between Torreon and Chihuahua all communication has again been cut, communication with the city alone remaining undisturbed.

WILSON.

File No. 812.00/4899.

The American Ambassador to the Secretary of State.

[Extract.]

No. 1618.]

AMERICAN EMBASSY,
Mexico, August 28, 1912.

MY DEAR MR. KNOX: During most of the time since my last despatch of May 15 the more important and significant events of the revolution have occurred in a theater remote from the capital, and therefore susceptible of more accurate observation and prompter relation than the Embassy could possibly give. Some recent events and tendencies, however, and the continued activity of the revolutionary movement in the south and in some sections hitherto free from disturbances seem to call for more extensive recital than is possible within the limits of cablegraphic communication.

In the north, in the States of Durango and Chihuahua and along the frontier, the uniform and decisive victories of the Federal armies, due almost entirely to their possession of abundant and modern artillery, rather than to their general efficiency, equipment, and fighting qualities, have resulted in a practical dispersal of the organized revolutionary army and the recovery to the National Government of the capital of Chihuahua and the important port of entry, Ciudad Juárez. These victories and this recovery of territory, however, while lending a temporary prestige to the National Government, have apparently produced no other substantial results. The organized revolutionary army has split up into numerous small bands ranging in size from 100 to 1,000 men, which have scattered over the territory in the rear and to the west of the Federal army, carrying on a work of destruction, robbing, murdering, and committing all sorts of savage and abominable crimes. With these roving bands the Federal army seems utterly incompetent to deal and conditions, therefore, with the peaceful and law-abiding elements of society, are even more distressing than they were before the disintegration of Orozco's forces. As American interests are very large through all this section, extending from Torreón to Alamos, the existence of these guerilla bands and the apparent inability of the Federal Government to afford adequate protection produce a situation full of menace to American lives and property and calling for the active vigilance of our Government. To the inconveniences and dangers growing out of these predatory guerrilla movements may be added the exactions, the petty tyrannies of the officials recently installed by the Mexican Government, many of whom seem to think that they must earn their right to popular favor and the confidence of their Government by the persecution and harassment of foreign and especially American interests. This is notably the case with Abraham González, the present governor of Chihuahua, whose exactions and malevolent attitude toward Americans is arousing a deep resentment which may at some future time render necessary our active interposition.

Coming south and east from the section of country which has been the field of military operations we find the States of Nuevo Leon, Tamaulipas, San Luis Potosí, Hidalgo, Aguascalientes, Querétaro, Guanajuato, Jalisco, and Zacatecas with no organized revolutionary movement against the Government but with abundant cases of brigandage and violent offenses against the more prosperous elements of society, especially the foreign elements, and with political organizations which may at any time take the form of open and organized rebellion. In the States of Sinaloa and Michoacán there is apparently no organized revolutionary movement at the present time, but it is reported, apparently with truth, that Orozco's agents are busy there and there are indications, in the murder of wealthy and prominent planters, that the day is not far off when these States will renew the disturbances which afforded such great concern to the Federal

Government some months past. In the extreme south the States of Yucatán, Chiapas, and Campeche seem to be peaceful, supposedly because of their complete isolation from public affairs and perhaps also because of the absolute physical control of the situation by large proprietors. In the State of Vera Cruz there is apparently no organized movement, but in large sections of the State there is no security for human life nor for property and conditions exist which do not in any way differ in their practical results from those produced by a revolutionary movement.

In the States of Puebla, Oaxaca, Morelos, Guerrero, and Mexico the revolution is a tangible and formidable fact, as is proven by the devastation of thousands of homes and the taking of thousands of human lives. Over this wide area human life is not safe and property rights have no value whatsoever. Entire villages have been burned, their inhabitants—men, women, and children—slaughtered and mutilated indiscriminately; plantations have been ravaged and burned, trains have been blown up and derailed, and passengers slaughtered like cattle; women have been ravished and men mutilated with accompaniments of horror and barbarity which find no place in the chronicles of Christian warfare. It is impossible to accurately estimate the number of these savages which are under arms, nominally under the command of Zapata. With this situation, as far as my observation goes, the Government is either wholly incompetent or wholly impotent to deal. The peaceful inhabitants of this vast district, the men who own homes or plantations and are occupied in peaceful pursuits, have abandoned all hope of assistance from this Government or of protection to their property or persons. Planters have abandoned their estates, foreigners have fled to other and more peaceable regions, and there is very little else left except Federal soldiers and revolutionary soldiers, both of whom are objects of dislike and fear to the law-abiding elements.

In the midst of this appalling situation in the north and in the south the Federal Government sits apathetic, ineffective, and either cynically indifferent or stupidly optimistic. This peculiar phase of the situation I believe to be largely due to the character of the President, who is one day a Díaz come again and the next day an apostle of peace; the apologist for important bandits and criminals, and the enemy of monopolies, landholders, and privileged characters and classes. To such an extent has this wavering and unsettled policy been carried that it has lost the President the confidence and support of all classes, and to-day he stands practically alone, sustained only by the sympathy of his numerous family, the administration officeholders, and the useful and established apprehension that the evils which exist are less than those which might be anticipated with his downfall. In important questions vitally involving American interests I have found him sometimes indifferent, sometimes cold and unsympathetic, and frequently unreliable, giving promises with facility but performance economically and sometimes not at all. This circumstance has rendered the protection of our interests, always difficult, increasingly so, as the Minister for Foreign Affairs, Mr. Lascurain, while a most able, courteous, and just officer, apparently has but little influence with the administration, and his protests and promises, while abundantly and I believe sincerely given, rarely produce concrete results. I am discussing thus frankly the character of the Chief Executive, for whom I should have unwavering respect, and to whom I owe unvarying courtesy and sympathy, in order that the Department may fully understand the difficulty of securing justice and protection for our interests in Mexico.

One phase of the situation which is at present giving me most concern is the inability of the Federal Government to enforce its views and wishes on local governments throughout the Republic. Whether this circumstance is due to lack of respect for the Federal Government or to indifference, ignorance, or anti-Americanism on the part of these local officials I am not able to say, but I am deeply impressed with the actual situation and I am acutely sensible of the necessity of taking some step in this particular direction which will end a situation which bids fair, if not ended, to become intolerable. The Department is fully conversant with the number of outrages committed against American citizens, with the increasing frequency of the taking of American lives, with the arrest and imprisonment of Americans on frivolous charges, with their deprivations through the courts of justice of rights and property on pleas devoid of the most elemental merit, but it has had very few, if any, reports from this Embassy, nor, I think, from the consular representatives, of a disposition in the courts to grant exact justice, of the Government to afford ample protection, or with the authorities charged with the execution of the law, to arrest, detain, and fairly try Mexican criminals suspected of the murder of American citizens. I have remonstrated in season and out of season, sometimes in words not compatible with my diplomatic character, but, though promises have been profuse and courtesy uniform, the murderers and the robbers go at large, boasting of their crimes and inviting by their immunity from punishment the commission of other and similar crimes. This phase of the situation here is arousing profound indignation among the Americans resident in Mexico and, if I may judge by the number of letters received by the Embassy and by the utterance of the American press, criticism and a dangerous public opinion in the United States. I can not speak too strongly on this point, as I feel that usual diplomatic methods have failed in impressing this Government with its responsibility, and I fear that, unless some well-defined and positive course is adopted the injustice, abuses, and murders of American citizens will increase in number.

It must be understood, also, that this administration, while nominally pro-American and suffering to some extent in public opinion because of its supposed pro-Americanism, is really conducting a campaign against American interests in Mexico, and this campaign seems aimed to make the members of the Madero family and the personal and political adherents thereof the beneficiaries of American loss. I know of no American interests in this country which are being attacked by the Executive or the courts which were not legitimately and honestly acquired, but I foresee confiscation, harassment, and dislodgment through suborned judicial decrees of many of our important interests, unless this Government is taught in due season that every American and every American interest in Mexico expects and must receive the same measure of justice that a Mexican or Mexican interest would receive in the United States.

To the confusion and uncertainty as to the future may be added a vague fear as to the attitude of the new Congress which has just been elected. Notwithstanding its protestation of a "hands off" policy, it can not be doubted that the Madero administration has exerted its influence to secure the election of friendly candidates, and that these interferences, as well as some interferences in gubernatorial elections, have aroused a vast amount of resentment which will probably find vigorous expression soon after the convening and organization of the new legislative body. At present the only tangible fact which I have been able to note with certainty is the formation of a definite alliance between the Catholics and the Independents, in opposition to the Government, though what numerical strength this combination will possess is unknown.

The economic situation throughout the country shows no evidence of improvement and in my opinion will grow steadily worse. The Government is reported, and is generally believed to be in severe straits, with rapidly diminishing cash assets, and in the opinion of many competent and well-advised persons its ability to maintain its credit will be, unless conditions greatly change, seriously threatened. Merchants are suffering because there are few buyers; farmers, because their fields have not been sown or cultivated; the poor, because their sources of employment have been cut off; and the foreign commercial element, because of diminishing trade and the timidity of European and American houses.

Our duty and policy in the presence of the distressing situation which exists in Mexico can not, it appears to me, be fully defined at the present time further than that we should assume the distinct position that we can not, in view of our international obligations and our obligations to our nationals resident in Mexico, permit an increase in the intolerable conditions which now exist without challenge or protest. The inability to secure adequate protection for American citizens, the unprovoked murder of many Americans, and the failure on the part of the National Government to secure the arrest, detention, and punishment of the murderers, the disposition to attack legally acquired American interests by the Executive and through trumped-up court processes, the arbitrary arrest and imprisonment of Americans on frivolous charges and the failure of local governments to actively remedy such abuses, the savage and barbarous character of the warfare which is being waged should admonish us, it seems to me, that our immediate attitude should be firm, alert, and severe, and that the slightest invasion of American rights or the unprovoked assaults on or killing of Americans should be met with such positive and vigorous protest as will leave no doubt in the minds of the Mexican Government and of the Mexican people as to our intention to see that there shall be no misconception as to our determination, under certain emergencies, to secure prompt justice for every crime committed, and to insist upon fair treatment of very American interest.

I am [etc.]

HENRY LANE WILSON.

File No. 812.00/4783a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, September 2, 1912—1 p. m.

Say to the Mexican Government that now that it is again in control of the entire northern frontier of Mexico the Government of the United States would view with concern any failure on the part of the Mexican Government to make that control secure, and begs to express the earnest hope that no effort will be spared to prevent the advent of a situation similar to the unfortunate state of affairs that has existed along the Chihuahua frontier for months past during the rebel occupation of Ciudad Juárez—a state of affairs which not only tends seriously to jeopardize the good relations between the United States and Mexico, but operates as a direct annoyance to the American Government, to the people of the State of Texas, and to many Americans in the interior of Mexico. You are instructed to request officially and most earnestly that the Mexican Government place at all strategic and other important points along the boundary garrisons adequate to deal with any untoward incident that may arise, and to say that in the opinion of this Government garrisons should be placed as follows: At Ciudad Juárez at least 1,500 men; at Aguaprieta, 700; at Naco, 500; at Nogales, 500; at Piedras Negras, 500; at Ojinaga, 500; at Nuevo Laredo, 300; at Mexicali, 300; at Matamoros, 300—the numbers being increased as occasion requires. You may intimate that the Governors of Texas, Arizona, and New Mexico have unofficially expressed their willingness to consent to the passage of Mexican Federal troops over their respective territories, and that if the Mexican Government so desires the Department will favorably consider a request to allow the transportation of Mexican troops across United States territory for the immediate establishment of these garrisons. In addition to these frontier garrisons the Government of the United States requests that a sufficient number of men be kept in the immediate vicinity of the Mormon colonies in northwestern Chihuahua and in Sonora to afford them from now on prompt and adequate protection. Request a reply as soon as possible.

Huntington Wilson.

File No. 312.11/1354b.

The Acting Secretary of State to the American Ambassador.

No. 965.]

Department of State,
Washington, September 4, 1912.

Sir: I transmit herewith a brief account of the gist of the President's interview this afternoon with Mr. Calero, the Ambassador of Mexico, who leaves this evening to return to the City of Mexico.

I am [etc.]

Huntington Wilson.

[Inclosure.]

WEDNESDAY, *September 4, 1912.*

It had been intimated to Mr. Calero, the Mexican Ambassador, that the President would probably desire to see him to-day. Mr. Calero, it appears, also wished to see the President, to transmit from President Madero a few words of appreciation of the President's policy toward Mexico as indicated particularly in his letter of acceptance of the Republican nomination.

The President received Mr. Calero quite informally, the Acting Secretary of State being present. Mr. Calero delivered his message briefly and at the first pause the President said just a word of acknowledgment and forthwith spoke very earnestly and energetically, pointing out, first, how exceedingly patient and friendly and helpful this Government had been to the Madero administration. The President referred to the new law about the exportation of arms and ammunition, emphasizing its application as a most signal act and as one of the most vital and essential importance to the very existence of the Madero administration. The President went on to say that in return for all this we had a right to expect a more hearty consideration for all American interests in Mexico.

The President referred to the Alamo case, where Federal troops were responsible for a murder, and to the great number of killings of American citizens, in every case of which there had been nought but a very superficial investigation and no satisfactory action.

Mr. Calero attempted to interpose some arguments of defense by doubting whether there were specific cases of negligence on the part of Mexico. The President immediately rejoined that we were sending a long note to be presented by our Ambassador, which recounted a very great number of such instances. The President also said that those were matters of fact simply and that our information, both from the Embassy and from all the consuls, was unsatisfactory and discouraging.

The President spoke solemnly of his duty to the American people and of his responsibility for the policy of the United States and also of the duty of the Madero administration to vindicate his policy by a satisfactory attitude. The President went so far as to say that, however patient he might be and however strong was his friendship for the Madero administration, if things went on from bad to worse there would be no course open to him in the discharge of his duties but to summon Congress and to ask them to consider how the situation should be dealt with.

Mr. Calero was evidently a good deal worried by the seriousness of the President's tone from the very beginning. He spoke energetically about the bad feeling caused by Senator Fall's speech and by the Magdalena Bay legislation. The President disavowed any sympathy for either and remarked that, after all, it was not the Senate but the Executive which conducted our foreign relations. I remarked that, anyhow, that had nothing to do with the subject and said that the Ambassador doubtless understood that, as the President had said to me this morning, aside from specific instances there were the three facts, that murderers went unpunished, second, that there was much evidence of the hostile attitude toward American interests generally, this attitude even extending into the most surprising quarters, and, third, that we were unable to see that the general action of the Madero administration was really sufficiently energetic and zealous.

Mr. Calero mentioned the Tlahualilo case as if perhaps it was the crux of the note. I said that it was not, although it was mentioned among other instances, and thus again the divergence of the discussion into contentious details and questions of fact was avoided.

The President combined extreme earnestness with a broad and kindly tone, both toward the Madero Government and the Ambassador himself, and the Ambassador seemed to appreciate this. He spoke of Calero's influence at home and of his hope that he, when he returned to Mexico, would be able to do a great deal of good. The President remarked that because he was so exceedingly patient he feared people in Mexico thought that it was not necessary to heed the representations of this Government and that he, the President, desired it to be understood that this was by no means so.

Mr. Calero said with much energy that when he got back he was going to stir up the Mexican Government and make a campaign for better understanding. The Ambassador spoke with quite unusual frankness as apology for conditions in Mexico, even speaking rather disparagingly of their Indian population, their inheritance of Spanish and Indian traits, their unfitness for democratic institutions, and the consequent enormously difficult problems they had to face.

File No. 312.11/856b.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 5, 1912—2 p. m.

Your despatch No. 1618, of August 28. A note which treats fully of the three points brought forward by the President in a conversation that he had with the Mexican Ambassador yesterday is being forwarded to you to-day. If you deem some alteration advisable in policy or otherwise you will telegraph your suggestions and recommendations immediately. Otherwise you will at such early time as appears to you most opportune officially present the note textually to the Mexican Government, informing the Department by telegraph simultaneously of its presentation.

HUNTINGTON WILSON.

File No. 312.11/834a.

The Acting Secretary of State to the American Ambassador.

No. 966.]

DEPARTMENT OF STATE,
Washington, September 5, 1912.

SIR: With reference to the Department's telegraphic instructions of September 5, I have the honor to inclose to you herewith presentation copy of the note therein discussed,[1] which the President directs you to present textually to the Mexican Government.

You will, when presenting the note, state officially, but orally, that such are your instructions.

As stated in the Department's telegram under reference, the Department desires from you, by telegraph, such suggestions and recommendations as to policy or substance as you think it necessary to give, or in case there are any points in the text herewith transmitted to you which do not seem to you well stated or apposite.

I am [etc.]

HUNTINGTON WILSON.

File No. 812.113/907.

The Acting Secretary of State to the President.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 6, 1912.

The American Consul at Nogales recommends that 500 rifles and 150,000 rounds ammunition be supplied to consular agent, Cananea, immediately for protection of American life and property. I respectfully request your telegraphic authorization to forward this shipment.

ALVEY A. ADEE,

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[1] See revised draft, the American Ambassador to the Minister for Foreign Affairs, September 15.

File No. 812.00/4893.

The American Ambassador to the Secretary of State.

No. 1643.]

AMERICAN EMBASSY,
Mexico, September 6, 1912.

SIR: Referring to the Department's telegraphic instruction of September 2, 1 p. m., I have the honor to transmit herewith a copy of my note to the Mexican Minister for Foreign Affairs, and copies of two notes from him, dated September 5, in reply thereto.

I have [etc.]

HENRY LANE WILSON.

[Inclosure 1.]

The American Ambassador to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
MEXICO, *September 3, 1912.*

MR. MINISTER: I am instructed in the most urgent way by my Government to submit to your excellency's Government the following expression of its views relative to the situation now existing on the boundary line between Mexico and the United States resulting from the present revolutionary movement against the established Federal Government. My Government directs me to say that, now that the Federal Government has again established its control over the northern frontier of the Republic, it would view with lively concern a failure to make that control secure, and begs to express the earnest hope that the most active and persistent efforts will be made to prevent the advent of a situation similar to the distressing state of affairs which has existed on the Chihuahua frontier during the rebel occupation of Ciudad Juarez—a state of affairs which not only tends seriously to jeopardize the good relations between the United States and Mexico, but operates as a direct annoyance to the Government of the United States, to the people of the State of Texas, and to many American citizens in the interior of Mexico. Deeply apprehensive of the situation which may develop along that portion of the frontier which is at present infested by irresponsible revolutionary forces, my Government instructs me to most earnestly request that your excellency's Government shall place at all strategic and now important points along the frontier military garrisons adequate to cope with any untoward incident that may arise. I am directed to say that in the opinion of my Government military garrisons should be placed by your excellency's Government at the following places and in the following numbers: At Ciudad Juarez, at least 1,500 men; at Aguaprieta, 700; at Naco, 500; at Nogales, 500; at Piedras Negras, 500; at Ojinaga, 500; at Nuevo Laredo, 300; at Mexicali, 300; and at Matamoros, 300. I have, moreover, to prefer the request that in addition to these frontier garrisons your excellency's Government will, for the purposes of affording prompt and adequate protection, place a sufficient number of Federal soldiers in the immediate vicinity of the Mormon colonies in northwestern Chihuahua and in Sonora. In thus advising your excellency of the deep apprehension entertained by my Government relative to the situation on the border and in conveying to your excellency the expression of its opinion relative to the military dispositions necessary to in some measure guarantee protection to life and property, I am directed also to say that my Government will favorably consider a request from your excellency's Government to permit the passage of Mexican troops, designed for the immediate establishment of these garrisons, across the territory of the United States.

As the note which I am now addressing to your excellency urgently concerns the safety of many American lives and a vast amount of capital invested in property on Mexican soil, I have the honor to request that it may have preferential attention and that your excellency will be good enough to furnish me with a reply within as reasonable a period as may be compatible with proper consideration of the matter, as I have been requested to send a telegraphic reply.

I avail [etc.]

HENRY LANE WILSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

Republic of Mexico,
Department of Foreign Relations,
Mexico, D. F., September 5, 1912.

Mr. Ambassador: In reply to your excellency's note of the 3d instant, I beg to say that my Government has taken note of the ideas of the Government of the United States relative to the situation which exists on the frontier between the two countries resulting from the present disturbances, which, although real, have been exaggerated by the Mexican press and principally by the American newspapers, for the rebels have been dispersed, and it is a natural result that they should have separated and be causing trouble at various points. But this state of affairs will soon disappear, and my Government can not believe that, after the great efforts which it has made to reestablish order and afford guaranties for the lives and property of American citizens and when it is on the point of obtaining the result it has desired—that of restoring peace to the country—the good relations which it maintains with the Government of the United States can be endangered, especially since the disturbances of the moment are the last effort of the rebels in their fight, soon to be subdued.

That my Government has made and is continuing to make constant efforts to reestablish order is a fact which your excellency knows through the good and constant relations which you have with this Department, and your excellency's Government recognizes this fact in acknowledging in its note that the Mexican Government has regained control of the State of Chihuahua.

In its proposal to guarantee life and property, and giving preferential attention to the situation on the frontier, my Government yesterday gave orders that adequate forces should go to various places, such as Cananea, Nacozari, Aguaprieta, Frontera, Nogales, and Imuris, orders which have already been executed. General Sanjines is marching with one column from Ojitos to the State of Sonora and General Huerta has been directed to occupy with cavalry the district from Aguaje to Palomas.

By express direction of the President I beg to express to your excellency the most sincere thanks of the Mexican Government for the favorable reception on the part of your excellency's Government which would be given to a request on the part of my Government that our troops might pass over the territory of the United States for the purpose of establishing garrisons at certain points, a request which is not made because the constitution empowers only the Senate to permit the passage of troops outside of the national territory. The Senate is not now in session and its convocation in special session would be a motive of alarm which should be avoided; but my Government believes that the sending of the troops referred to above will bring safety to the region in the north which has been threatened with disturbances.

I avail [etc.],

Pedro Lascurain.

[Inclosure 3.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

Ministry of Foreign Relations,
Mexico, D. F., September 5, 1912.

My Dear Mr. Ambassador: Although it appears from the official note which I have to-day addressed to your excellency that a request for the passage of troops over American territory will not be made, the President has thought it proper to solicit this authorization in order to demonstrate once more the interest which he takes in the protection of the lives and properties of Americans, and to this end he has given the orders for the convocation of the Senate in extraordinary session.

I have also communicated this to the Mexican Ambassador at Washington to the end that the orders necessary to permit the passage of Mexican troops over the territory of Texas and Arizona may be transmitted in the United States.

This measure, as I have said above, is due to the interest taken by the Mexican Government for the lives and properties of Americans and to prevent disagreeable incidents.

I am [etc.]

Pedro Lascurain.

File No. 812.113/911.

The Acting Secretary of State to the American Consul at Douglas.

[Telegram.—Paraphrase.]

Department of State,
Washington, September 7, 1912—12 noon.

The President has excepted the arms and ammunition referred to and shipment is already en route. Meet shipment at Douglas and make necessary arrangements for its immediate and safe transshipment to destination under escort if possible via Naco, where customs officials have been appropriately instructed.

Adee.

File No. 812.113/911.

The Acting Secretary of State to the American Ambassador.

[Telegrams.—Paraphrases.]

Department of State,
Washington, September 7, 1912—12 noon.

Following to Consul Dye, at Douglas, to-day: [Quotes Department's telegram of September 7, 1912, 12 noon.]

The arms and ammunition are being forwarded to the consul for the use of seriously endangered Americans for the protection of their lives and property. Immediately make all necessary arrangements with the Mexican Government for the entry of these arms and ammunition, so that there will be no delay upon arrival.

Adee.

File No. 812.113/926a.

Department of State,
Washington, September 7, 1912—12 noon.

Department has requested the War Department to place at Naco, as a reserve supply, 1,000 rifles and 200,000 rounds of ammunition.

Adee.

[Same to Dye at Douglas.]

File No. 812.00/4824.

The American Ambassador to the Secretary of State.

[Telegram.—Extract.]

American Embassy,
Mexico, September 7, 1912—1 p. m.

There appears to be a movement of concentration among the revolutionary elements in disturbed southern States. I have to-day received a notice sent to me as dean of the diplomatic corps, to be communicated to my colleagues, of the intention of the revolutionary forces to attack Mexico City at an early date. Notice is well drawn and sent for the purpose of reassuring the people of Mexico City of the intention of the revolutionists to maintain order and protect all noncombatants. I shall take no action relative thereto.

WILSON.

File No. 812.113/930.

The American Consul at Nogales to the Secretary of State.

[Telegram.—Paraphrase.]

DOUGLAS ARIZ., *September 8, 1912—4 p. m.*

I have just forwarded to Naco the arms and ammunition for consular agent Cananea by the same train it arrived on; it can not be forwarded immediately to Cananea from Naco because about 200 rebels have taken possession of railroad. There are now 500 Federals at Cananea, with 400 more en route to Cananea from Nogales; apparently there is no danger of Cananea being captured, and arms and ammunition can remain in the possession of United States troops Naco for the present.

DYE.

File No. 312.11/862.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, September 10, 1912—6 p. m.

Department's No. 966, September 5, transmitting note to be delivered to Mexican Foreign Office. I recommend reference in the note to the arrest and imprisonment of Americans in filthy jails on frivolous charges, and the refusal of bail in such cases; also reference to the case of the American railway men. If Department does not think these changes advisable I shall present note without alteration.

WILSON.

File No. 812.00/4880.

The American Consul at Nogales to the Secretary of State.

[Telegram.—Extract.]

NACO, ARIZ., *September 11, 1912—12 noon.*

Rojas, Mascarenas, and Rafael Campa with about 600 men are about 10 miles south of Aguaprieta and have demanded its surrender, saying they would attack in the morning.

Entire shipment of arms and ammunition sent in my care has now reached here, and I have placed it temporarily in charge of commanding officer United States troops, who, for greater safety, has placed entire shipment under military guard at Bisbee, 8 miles from the boundary.

DYE.

File No. 312.11/862.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 12, 1912—5 p. m.

Before passing upon the additions suggested by your September 10, 6 p. m., the Department desires to see the complete text and context of such additions, as it feels that before assenting to any changes they should be submitted to the President, who has approved the note sent you as it stands.

HUNTINGTON WILSON.

File No. 312.11/868.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, September 12, 1912—10 p. m.

Department's September 12, 5 p. m., and instruction 966, relating to the note to the Foreign Office. At the end of paragraph terminating on page 5,[1] the following has been interpolated: "Nor can my Government further tolerate with patience the repeated arrest of American citizens, in many cases on frivolous and inadequate charges, and their long imprisonment in insanitary jails in consequence of the refusal of local authorities to admit them to bail. My Government fully understands that Americans resident in Mexico who offend against its laws must expect commensurate punishment therefor, but it can not in justice to its nationals permit them to be continuously made the objects of the tyranny of petty local authority or of intrigue or antiforeign sentiment. Cases of this kind are continually occurring and remonstrances have been frequent and urgent, but, unfortunately, generally without result." On page 7[2] the following has been interpolated immediately after the words "is an asset": "The instances here cited of the disposition of the Mexican Government, either inadvertently or otherwise, to permit wrongful acts against legitimately acquired American rights do not by any means constitute all which might be made the subject of remonstrance. Those cited, however, are the most recent and are illustrative conditions which appeal insistently to the attention of my Government."

HENRY LANE WILSON.

File No. 812.113/964a.

The Acting Secretary of State to the American Consul and Vice Consul at Nogales, the Consular Agent at Cananea, and the Consul at Hermosillo.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 13, 1912.

Say to the Americans who have been supplied with arms for their self-defense that the arms are furnished them solely for the protection of their lives and that they should most carefully guard against any indiscreet acts; point out the disastrous effects such acts would undoubtedly have upon their own interests and upon the lives and property of Americans elsewhere in Mexico; remind them finally of the responsibility resting upon them in this respect.

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[1] See foot of p. 841 and foot of p. 843.
[2] See p. 842 and foot of p. 843.

HUNTINGTON WILSON.

File No. 812.113/965.

The American Consul at Nogales to the Secretary of State.

[Telegram.—Paraphrase.]

DOUGLAS, ARIZ., *September 14, 1912—4 p. m.*

Department's September 13. In order to make situation in regard to arms perfectly clear, Department is hereby informed that no arms have been passed into Mexico or supplied to Americans anywhere in this consular district by any consular officer except such as were passed last April for the use of the Consul at Hermosillo and those sent to Empalme for the use of employees of the Southern Pacific Railway, which went through the port of Nogales in my care. The 500 carbines and the 100 rifles from Tucson which were in my care at Naco, together with the 150,000 rounds of ammunition, were by me, when at Naco recently, placed under the control of the commander of the United States troops at Naco, I taking memorandum receipt for the same from his adjutant. When I arrived at Naco I found arms which were the subject of Department's instruction 162 in dangerous proximity to border, so for safety I paid express charges from Tucson and placed them as above stated.

DYE.

File No. 812.00/4933.

The American Consul at Nuevo Laredo to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Nuevo Laredo, September 15, 1912—11 a. m.

I have found that a simultaneous uprising has been planned at Mexico City, Puebla, San Luis Potosi, Saltillo, Monterey, and probably other of the principal cities. It includes also the turning of the entire Federal army in northern Mexico from Madero, including General Huerta, who will be commander in chief of the new rebel army, with Orozco second in command.

GARRETT.

File No. 312.11/868.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 15, 1912—11 p. m.

Your September 12, 10 p. m.

After paragraph ending on page 5 insert the following as separate paragraph: "In this connection the Government of the United

States observes, for the information of the Mexican administration, that it is just as little of a disposition to tolerate the arrest of American citizens on frivolous and inadequate charges, and their imprisonment in insanitary and filthy jails in consequence of the refusal of local authorities to admit them to bail. Such arrests have, most regrettably, been numerous and continue to occur, and although frequent and urgent remonstrances have been made they have almost always, unfortunately, been without satisfactory result. The Government of the United States fully understands that Americans resident in Mexico who offend against the laws of Mexico must expect commensurate punishment therefor; but it can not in justice to its nationals permit them constantly to be made the objects of the tyranny of petty local authorities, or of intrigue or anti-American sentiment."

After the words "is an asset," on page 7, insert the following as two sentences: "The instances here cited of the disposition of the Mexican Government, either through inadvertence or otherwise, to permit wrongful acts against legitimately acquired American rights do not by any means constitute all which might be made the subject of remonstrance. Those set down, however, are the most recent instances of the kind, and are illustrative of conditions which appeal insistently to the attention of my Government."

In the sentence referring to The Tlahualilo Co., after the words "was rendered," substitute for "under the influence of the Federal Department of Fomento" the words "under adverse influence upon the court from official quarters."[1]

Immediately prepare final draft of note with the foregoing changes, and await further instructions.

Huntington Wilson.

File No. 312.11/834a.

The American Ambassador to the Minister for Foreign Affairs.

American Embassy,
Mexico, September 15, 1912.

Mr. Minister: The Government of the United States is officially informed that three American citizens have recently been murdered in Mexico under circumstances of revolting barbarity—Mr. W. H. Waite, at Achotal, Vera Cruz, on April 4, 1912; Mr. Henry Crumbly, near Peruandiru, Michoacán, on July 21, 1912; and Mr. Rowan Ayres, at Sierra San Andrés, Michoacán, on August 13, 1912—and that the respective local authorities, who have done practically nothing toward apprehending and punishing the murderers seem disposed to treat these crimes with indifference. Such conduct, in the opinion of the Government of the United States, is not only contrary to law but betrays a callousness for which it would be difficult to find a parallel and is altogether subversive of the ends of justice.

The Government of the United States does not expect the Mexican Government to assume responsibilities not incumbent upon that Government in accordance with the applicable rules and principles of international law; but it does expect that the Federal administration at present in control in Mexico City shall live up to its obligations toward the citizens of the United States within Mexican borders, the most fundamental of which is their protection and the punishment of those who injure them. Mere reference to the cases of Samuel Hidy, murdered at the Los Plátanos colony, in the State of San Luis Potosí, in May, 1911; George W. Crichfield, shot from ambush near Tuxpán, in the State of Vera Cruz, and who died on April 7, 1911; William W. Fowler, who died as the result of wounds inflicted by a Mexican peon near Tuxpán, in the State of Vera Cruz, June 18, 1911; John R. Lockhart, apparently assassinated on or about November 8, 1910, between Ventana and San Dimas, in the State of Durango; Joseph O. Ellick, killed near Badiraguato, in the State of Sinaloa, September 30, 1910; Caradoc Hughes, killed on September 17, 1910, between Durango and Llano Grande; Thomas Green, shot on September 11, 1910, at Tampico, and who died the following day; Emilie A. Krause, cut with machetes on December 12, 1910, at Tampico Alto, and who died on July 2, 1911; James M. Reid, shot and killed by a policeman in Mexico City on November 20, 1910; W. L. Randell, robbed and murdered at Chamal on or about March 1, 1910; and of [sic] other cases (which need not here be set down) that have repeatedly been urged upon the attention of the Mexican Government without anything effective ever having been done to capture or punish the authors of the crimes, will serve to remind your excellency that the Government of the United States has been, to say the very least, long-suffering and forbearing in the face of grievous and unrighted wrongs. And the case of the Americans, Patrick Glennon, A. L. Foster, and John G. D. Carroll, who were killed at Alamos, Lower California, on June 11, 1911, by Mexican Federal soldiers acting, seemingly, under the orders of their superiors, for which atrocious crime the Government of the United States has never been able to secure, by means of diplomatic representations, even so much as a proper investigation by the Mexican Government, in spite of an unceasing insistence to this effect, will throw into still higher relief the supineness of Mexican authorities and, in this instance, of the Federal Government itself, and of the tolerance and patience of my Government.

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[1] See middle of p. 844.

The Government of the United States therefore informs the administration now discharging the duties of government in Mexico, so that due note may be taken thereof, that it is in no disposition to allow the indifference and shortcomings of local officials in Mexico to continue to defeat the ends of justice where American citizens are concerned, and that, in addition to the redress and punishment of the other crimes of which the Government of the United States complains, the Mexican administration must immediately institute, under its own direct supervision, an investigation of the murders of Waite, Crumbly, and Ayres and a prosecution of the murderers which will produce satisfying results in the way of finding those guilty of these barbaric outrages, of capturing them, bringing them to justice, and dealing with them in accordance with their deserts.

And in this connection the Government of the United States observes, for the information of the Mexican administration, that it is just as little of a disposition to tolerate the arrest of American citizens on frivolous and inadequate charges, and their imprisonment in insanitary and filthy jails in consequence of the refusal of local authorities to admit them to bail. Such arrests have, most regrettably, been numerous and continue to occur, and although frequent and urgent remonstrances have been made they have almost always, unfortunately, been without satisfactory result. The Government of the United States fully understands that Americans resident in Mexico who offend against the laws of Mexico must expect commensurate punishment therefor; but it can not in justice to its nationals permit them constantly to be made the objects of the tyranny of petty local authorities, or of intrigue or anti-American sentiment.

The Government of the United States desires to make it known to the present administration in Mexico that to its surprise and misgiving it has been informed that certain men—Mexican citizens and officials—seemingly overcome by greed and inimical to American interests on account of their nationality, are, without the least hindrance from the administration—to which Americans in Mexico must naturally look for protection in their rights—persecuting and preying upon these interests at every favorable opportunity. The Associated Press, it is stated, has been repeatedly hampered by unnecessary and irksome restrictions for which the administration can not be held entirely unresponsible. The Mexican Herald, an American paper, is alleged, on what appears to be credible authority, to have been the victim of treatment altogether unfair. American interests in the Tlahualilo Co. assert that they have failed to receive justice in the litigation in which they are engaged with the Mexican Government through a court decision which, it is claimed, was rendered under adverse influence upon the court from official quarters. American oil interests in the vicinity of Tampico proffer evidence that they are taxed almost beyond endurance, and assurance is given that there is on foot at Mexico City at the present time an attempt to annul the concession of the Mexican National Packing Co., in spite of the protests of the American Embassy and the British Legation at Mexico City, an act which would entail a loss of millions of pesos to the twelve hundred odd American stockholders in the defunct United States Banking Corporation, of which the Packing Co., with its business and property, is an asset. The instances here cited of the disposition of the Mexican Government, either through inadvertence or otherwise, to permit wrongful acts against legitimately acquired American rights do not by any means constitute all which might be made the subject of remonstrance. Those set down, however, are the most recent instances of the kind and are illustrative of conditions which appeal insistently to the attention of my Government. The Government of the United States must insist that this predatory prosecution, amounting practically to confiscation, shall cease forthwith and it expects immediate assurance from the Mexican administration that it will promptly bring this about.

The people of the United States have profoundly at heart the fate of their countrymen in Mexico. They desire that the wrongs described shall terminate, and that the untold hardships endured by innocent and unoffending American noncombatants in Mexico during the revolutions of the last two years, and still being endured, shall cease. They have confidently anticipated throughout a long period that the present Mexican Federal administration would make the amelioration of conditions throughout Mexico its foremost aim, and have thought that the great substantial fact of the needless and illegal endangering and sacrificing of American lives and property by disorders throughout Mexico among the Mexican people would be dealt with swiftly, determinedly, and adequately. But their hopes have been vain, and the Government of the United States finds itself compelled to say on behalf of the American people that its faith in the effectiveness of the Mexican Government has been shaken to its base, and that it can not longer, out of an unavailing regard for the amour propre of Mexico, view without the greatest concern a continuance of a state of affairs so calamitous in its effect upon the lives and interests of American citizens in Mexico, which has become well-nigh intolerable. The time has come when the administration at Mexico City, which has thus far persistently asserted that it was able to and possessed the means to administer the affairs of government, must either demonstrate its determination and ability to handle the present situation by the early establishment of order and the effective administration of law, or frankly confess that conditions are such that it is powerless to do so. In the latter case it would evidently become necessary for the Government of the United States to consider what measures it should adopt to meet the requirements of the situation.

The President of the United States directs me to say to your excellency, and to His Excellency the President of Mexico, that the indifference to if not the active persecution of Americans and American interests in Mexico, on the one hand, which I have been at pains to describe, and the failure of the Mexican administration to exert the efforts it would seem capable of exerting to bring about an improvement in the deplorable state of affairs that continues to exist throughout Mexico, and which so disastrously affects American life and property, on the other hand, are observed with growing concern and uneasiness by the Government of the United States, and that it would appear that in the face of conditions which should evoke the most vigorous efforts and single-hearted endeavor the administration is either apathetic or incompetent, or both. I am enjoined to say that no intention exists on the part of the Government of the United States to derogate in any way from the rights or the dignity of the Mexican Government or to interfere unduly in Mexico's domestic affairs, but that the conditions in which Americans in Mexico now find themselves are such that it must be plainly and frankly stated that the situation as it exists can not be allowed to go on indefinitely, and that the administration in Mexico must bestir itself to fulfill its international duties toward American citizens and their interests.

I am directed to say to your excellency that this statement is made in all friendliness, but soberly and seriously and in the expectation that it will carry conviction, and that the admonition it contains is delivered after mature deliberation upon the situation, in which the facts and the rights and duties of the Mexican Government on the one side and of the Government of the United States on the other have been taken fully into account. In the absence of such an effort on the part of that administration the Government of the United States will have no recourse but to consider whether it would not be better to abandon a policy which, while highly advantageous to the present administration at Mexico City on account of its pronounced friendliness, apparently fails to accomplish (as it should accomplish if the administration fulfilled the obligations incumbent upon it as the head of a civilized country in the family of nations) anything adequate toward the alleviation of the distressing plight of many American citizens in Mexico who are murdered and preyed upon before an indifferent administration and subjected by conditions of revolution to practically all of the horrors of war.

The Government of the United States desires from your excellency as promptly as possible a comprehensive and categorical statement as to the measures the Mexican Government proposes to adopt: (I) To effect the capture and adequate punishment of the murderers of American citizens; (II) to put an end to the discriminations against American interests, such as those which have been referred to above; and (III) to bring about such an improvement in general conditions throughout Mexico that American settlers in that country will no longer be subjected to the hardships and outrages attendant upon a more or less constant state of revolution, lawlessness, and chaos.

Henry Lane Wilson.

File No. 312.11/868.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, September 16, 1912—12 noon.

See Department's September 15, 11 p. m. Date note September 15 and officially present it to the Minister for Foreign Affairs in accordance with the Department's instruction No. 966, of September 5. The Department regards it as of the greatest importance that this note should be presented at the earliest possible moment and be a matter of record prior to the occurrence of any possible *coup d' état*, of which several rumors have recently reached the Department.

Huntington Wilson.

File No. 312.11/877.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Mexico, September 17, 1912—10 a. m.

Note delivered this morning. Impossible last night.

Wilson.

File No. 312.11/882.

American Embassy,
Mexico, September 17, 1912—6 p. m.

In the interview with the Minister for Foreign Affairs he asked if the note delivered to him, which he inferred from my manner was serious, was the same referred to by the President in his interview with Mr. Calero on September 4. I replied that it was. He then asked me if this Government could depend upon me to make representations to Washington of a sympathetic and helpful character. I replied that the character of my office placed upon me the obligation of always [laboring?] in the interest of amicable feeling between Mexico and the United States, but that he must understand that in order for me to be helpful his Government must show a disposition to do justice to mine and actively bestir itself in the matters treated of in the note. He said that he would formally acknowledge the note at once and make adequate reply in four or five days.

WILSON.

File No. 812.00/5001.

AMERICAN EMBASSY,
Mexico, September 20, 1912—11 a. m.

The importance of either retaining Pasqual Orozco, sr., on American soil or returning him to Mexico at a point held by revolutionists is a matter I wish to bring urgently before the Department. Ernesto Madero says it had been arranged for Governor González, of Chihuahua, * * *[1] and that he will be immediately shot. González is implacably anti-American, a menace to American interests, who should be treated with small courtesy. The surrender of Orozco to the Federal Government's man under any guise or pretext would work incalculable harm to defenseless Americans and American interests in districts held by the revolutionary forces.

WILSON.

File No. 812.00/5063.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, September 25, 1912—11 a. m.

I am in receipt of a very urgent request from the Minister for Foreign Affairs that Gen. Emilio Campa, now in custody of our Government officers at Tucson, be indefinitely detained and not permitted on any account to return to Mexico. My recommendation with reference to all of these rebel leaders who may be taken into custody by American authorities is that their extradition be refused, but that they be kept in custody as long as possible. This policy will furnish us with some guaranties for protection of Americans in exposed places and at the same time will not give cause of complaint to this Government.

WILSON.

File No. 812.00/5131a.

The Acting Secretary of State to the American Ambassador.

No. 1016.]

DEPARTMENT OF STATE,
Washington, September 27, 1912.

SIR: With reference to the Department's telegram to you of September 16, 12 noon, you are informed in explanation of the rumors of a *coup d'état* referred to therein, that for more than a week previous reports had been reaching the Department to the effect, first, that the friends of Pino Suárez are busily engaged upon a plan whereby Madero will be caused to resign the Presidency in favor of Pino Suárez. The Department is disinclined to believe that there is a real foundation for this report. Second, that Felix Diaz is to head a movement on the part of the Serrano Indians in Oaxaca in an endeavor to duplicate the course of his illustrious uncle. The Department believes that for this report also there can be but little basis in truth. Third, that there is widespread disaffection in the Federal army in the north and that some sort of an understanding exists between General Huerta and the various insurrectionary leaders operating in northern Sonora. The Department was inclined to think that there might be something in this report, since there was much circumstantial evidence tending to show that an arrangement existed and American consular officers in northern Mexico and American army officers along the Mexican border expressed themselves as believing that some sort of an understanding has been arrived at between the Federal and insurrectionary chiefs.

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[1] Omission in transmission.

I am, [etc.]

ALVEY A. ADEE.

File No. 812.00/5168a.

The Acting Secretary of State to the Secretary of War.

DEPARTMENT OF STATE.
Washington, October 2, 1912.

SIR: With reference to the various informal conversations had by the Judge Advocate General with Mr. Clark, the Solicitor, and Mr. Dearing, of the Latin-American Division, of this Department, on the matter of the detention of Mexican insurrectionists who enter American territory, I have the honor to say that the Department of State would be glad to have the Department of War arrest and detain any and all such insurrectionists who, for any purpose whatsoever, may enter American territory. It is believed that ample authority for such a course is to be found in section 14 of the United States Penal Code, neutrality laws.

For the purpose of assisting the Department of War in the discharge of its functions in the matter of the enforcement of this law the Department of State will be glad, whenever information comes to it regarding the presence in the United States of any Mexican insurrectionists, immediately to transmit such information to the War Department for its intelligence and use.

The course above mentioned appeals to this Department as being particularly desirable for the reason that members of the insurrectionary forces would in all likelihood, if they were free to go back to Mexico, immediately reengage, upon their return there, in the wanton destruction of American property and the unnecessary and unjustifiable molestation of American citizens, which has been so baneful and disastrous a feature of their activity since they first rose in arms.

I have, [etc.]

HUNTINGTON WILSON.

File No. 812.00/5168b.

The Acting Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, October 2, 1912.

SIR: With reference to this Department's letter to you of to-day's date, relative to the detention of Mexican insurrectionists who enter American territory, I have the honor to inform you that there are at present in the United States the following insurrectionary leaders: Pascual Orozco, sr. (and possibly some of his lieutenants, notably one Cordova, who is supposed to have served as a secretary of Pascual Orozco, jr., during the occupation of Chihuahua, mentioned in your telegrams to this Department of September 16, 18, 19, and 21), who is now in the custody of the agents of the Department of Justice at El Paso, Tex.; Emilio Campa, who is in the custody of the agents of the Department of Justice at Tucson, Ariz.; Rafael Campa, Huerta, Escandón, Bermúdez, and Joaquín Esquer, whose presence in Douglas, Ariz., was brought to the attention of your Department by this Department's letter of September 30[1]; and Major Azcarate and Captain de la Fuente, of the staff of insurrectionary leader Salazar, whose capture at Candelaria, Texas, has been reported to your Department by General Steever. With reference to Pascual Orozco, sr., and Emilio Campa, the Department begs to state that it has informed the Department of Justice in the sense of the two letters which are being addressed to you by the Department of State and is requesting it to cooperate with the War Department so that when these men are released by the agents of the Department of Justice the War Department will be in a position to take such action as it may deem appropriate.

I have, [etc.]

HUNTINGTON WILSON.

File No. 812.00/5168c.

The Acting Secretary of State to the Attorney General.

DEPARTMENT OF STATE,
Washington, October 2, 1912.

SIR: With reference to the various telephone conversations had by the Bureau of Investigations of the Department of Justice and Mr. Clark, the Solicitor, and Mr. Dearing, of the Latin-American Division, of this Department, I have the honor to inclose to you herewith, for your information, copies of two letters[2] which this Department is to-day addressing to the War Department relative to the detention of Mexican insurrectionists who enter American territory.

As was stated in the letter to the Secretary of War, such detention appeals to this Department as being particularly desirable for the reason that members of the insurrectionary forces would in all likelihood, if they were free to go back to Mexico, immediately reengage, upon their return there, in the wanton destruction of American property and the unnecessary and unjustifiable molestation of American citizens, which has been so baneful and disastrous a feature of their activity since they first rose in arms.

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[1] Not printed.

[2] See above.

I have the honor, therefore, to say that the Department of State would be glad if the Department of Justice will be good enough to cooperate with the Department of War in the matter of the detention of such insurrectionists as are now in the custody, or may in future be taken into the custody, of agents of the Department of Justice. In this connection I beg to refer particularly to Pascual Orozco, sr., who, the Department understands, is now held at El Paso, and Emilio Campa, who is reported to be confined at Tucson.

Referring to the process of extradition in the case of the insurrectionary leaders in question, I have the honor to say that the Department is instructing the Ambassador at Mexico City to-day to inform the Mexican Minister for Foreign Affairs that it is doubtful whether insurrectionists captured in this country can be surrendered to the Mexican Government on charges arising in connection with or growing out of the present revolutionary disturbances in Mexico, since the extradition treaty in force between Mexico and the United States provides that individuals shall not be surrendered for political offenses. The Embassy was also advised in this connection that, even if the extradition of these men should be demanded on account of civil crimes committed in Mexico, as long as such leaders are under detention pursuant to our own laws the requirements of those laws will have to be satisfied before a request for extradition could be met.

I have [etc.]

HUNTINGTON WILSON.

File No. 812.00/5063.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 3, 1912—2 p. m.

Your September 20 and September 25. The Department is of the opinion that insurrectionary leaders captured in this country can not be surrendered to the Mexican Government on charges arising in connection with or growing out of the present revolutionary disturbances in Mexico, since the extradition treaty between Mexico and the United States provides that individuals shall not be surrendered for political offenses. You may informally bring this to the attention of the Minister for Foreign Affairs and add that this Government expects to have such leaders taken into military custody under the provisions of our so-called neutrality statutes, and that naturally the requirements of the laws of this country, under whose operation they fall, will have to be completely satisfied before a request for extradition could be acceded to.

HUNTINGTON WILSON.

File No. 812.00/5324.

The American Consul at Chihuahua to the Secretary of State.

[Extract.]

No. 274.]

AMERICAN CONSULATE,
Chihuahua, October 16, 1912.

SIR: I have lately had the opportunity to gain an insight into the animus which at present moves the Mexican army and which will, in a large measure, explain the peculiar indifference and lack of spirit in the campaign against the rebels in the north.

In the first place, frankly and without concealment, the army has no love for nor patience with the new régime. General Huerta shared this attitude completely and was in full accord with the army's feelings until the northern campaign was begun. This officer, then a brigadier, was first put in command of field operations against the Zapatistas in Morelos, and, loyal to the constituted Government and an enemy of rebellion as a means of bettering conditions in the Republic, while still by no means a partisan of the new régime, planned a campaign against the rebels which undoubtedly would have been effective had not Mr. Madero interfered at the moment when victory was within reach and ordered a change in plans which resulted in the escape of the rebels. This interference occurred during the operations in the neighborhood of Cuautla, Morelos, in the past year. As a consequence of Mr. Madero's interference General Huerta asked to be relieved from command, and was retired to Mexico City, where he remained, sulking and disgruntled, until placated by Mr. Madero and sent to put down the northern rebellion, among the considerations offered him in connection with the command having been the promise of promotion, free rein in the conduct of the campaign, and, extra-officially, and possibly from the private purse of the Executive, a fixed lump gratuity for the successful conclusion of the campaign. The second of these considerations was practically broken when Villa, the Maderist partisan and ex-bandit, was ordered shot by General Huerta for serious crimes committed during the campaign and for insubordination. Mr. Madero interfered to revoke the order, a stay in the summary execution of the ex-bandit until the matter could be submitted to the President having been secured through the intercession of the President's two younger brothers, who were serving as volunteer officers under General Huerta. Villa was subsequently ordered to Mexico City, where he yet remains in prison. This episode came near being serious in results and causing an unhealable breach between General Huerta and the President, but the former's pride was finally placated and the campaign went on. Granting even General Huerta's full adherence to the Government it is probably true that he, conscious of the army's attitude, was quite unable to drive his troops more than he did, and we thus find accounted for the perplexing and disappointing inactivity of the Federal army after entering Chihuahua in July. Up to the present time almost the entire campaign has been left to the irregular Government partisans, such as those commanded by Generals Sanjinés and Blanco, and the regular forces have rested completely idle.

Another cause of disgust for the army is that since arriving at Chihuahua General Huerta and the civil authorities have joined in a policy of pacification, undoubtedly in obedience to higher authority, which the officers of the army know to be impracticable and visionary. This lack of firmness in dealing with the situation not only is disappointing to loyalists but earns, as well, the contempt of the erstwhile rebels. General Huerta himself does not appear any longer to have the entire confidence and the cordial respect of his officers which were formerly his. The official personnel of the army, without exception, believe that he degraded himself in submitting to the various slights and affronts to his dignity which were offered by Mr. Madero as described.

I am reminded to say that the Federals have been almost ignored socially since their arrival here, and their position has not been very different from that of a conquering army in a conquered foreign territory. This ostracism is keenly felt by the officers, to whom such treatment is all the more embarrassing because of their realization that they are observing only a perfunctory loyalty to the Government and that only in compliance with a sense of duty and against their own inclinations. The Government adherents are drawn almost exclusively from the middle classes, between whom and the officers there is very little sympathy. The aristocracy, formerly Porfiristas and Orozquistas, at present almost to a man treat them with coldness, and the common people, after the manner of their kind, side with the upper classes or remain indifferent.

Reiterated references in certain quarters to American aid to the revolution justify a general denial on my part in so far as local nationals are concerned. If this has been the case on the American side of the border and even in other parts of Mexico, certainly grounds for such a charge with respect to Chihuahua do not exist. The writer of this dispatch has come into intimate contact with Americans of all classes, and with a certain few exceptions the sentiment of Americans in this section has been strongly condemnatory of the revolution. I think, however, that under the circumstances they have been singularly guarded in the matter of public expressions of opinion and free from the suspicion of interference in political affairs in any way. It is worthy of note that the exceptions are mostly naturalized citizens, or those whose social and business associations are with other groups of foreigners. The Germans and English have been notably friendly to the revolutionary cause. What is said herein applies only to Americans residing in this district; for others I can not presume to speak.

Among Americans and other foreigners here there is but one opinion, and that is that sooner or later intervention of the United States must come, or, if not actual intervention, at least the open threat of it. They realize that the crafty and able persons who have fought and are still fighting the Government from ambush embrace the greater part of the intellectual and material power of the nation, and, knowing perfectly well the weaknesses of the administration, the teetering loyalty of the army, and counting on the indifference, ignorance, and stupidity of the lower classes, and believing that the United States regards intervention in the light of a true calamity and therefore something to be avoided to the last degree of patient forbearance, they will plot and conspire and secretly further the operations of the semibandits remaining in the field until the country is absolutely ruined. The writer does not rejoice in the conditions that seem to warrant the expression of these views on the part of his countrymen and other foreigners; in fact, he deplores them heartily and wholly, and has steadily hoped that things would take a different turn.

I have [etc.]

Marion Letcher.

File No. 812.00/5258.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Vera Cruz, October 17, 1912—7 p. m.

Felix Diaz, rebel general, with less than 1,000 men, expects hourly attack by Federals. Consuls named committee who called upon Diaz, requesting avoid fighting within city. He promised or would advise, if unavoidable, unless surprised. Gunboats against Diaz, under command Azueta, threaten bombard barracks located center city. This evening consuls requested me hold American steamer *Monterey* await arrival next boat and *Des Moines* be sent back here at once. Telegraph communications interrupted.

Canada.

File No. 812 00/5271.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.]

American Embassy,
Mexico, October 17, 1912—10 p. m.

Minister of War having announced that Government forces were about to bombard Vera Cruz, I at once visited the President and told him in the strongest possible manner that there must be no such bombardment endangering the lives of innocent foreigners and that he must immediately communicate with his commander there to see that no mistake was made. He insisted that the foreign consuls there had been warned to remove their countrymen from danger, a statement which I can not believe, although he later repeated it to the British Minister.

If the *Des Moines* is at Vera Cruz it should be held there until situation clears. German Chargé d'Affaires asked if Germans could, in case of necessity, take refuge on board, and I replied that the captain would doubtless do everything possible under the circumstances.

Schuyler.

File No. 812.00/5347a.

The Acting Secretary of State to the Secretary of the Navy.

Department of State,
Washington, October 17, 1912.

Sir: The Department is in receipt of information from private sources, from the American Consul at Vera Cruz, from the American Embassy at Mexico City, and from the Mexican Embassy in this city to the effect that the city of Vera Cruz has been taken by Mexican insurrectionists, acting under the orders of Felix Diaz, a prominent Mexican and a nephew of former President Diaz. While the Embassy at Mexico City and the consul report the situation as quiet, the Department learns from the Mexican Embassy that a strong effort will be made at once by Government forces to recapture the city, and it seems likely that if fighting takes place in Vera Cruz the many Americans and American interests there will be placed in a position of serious danger.

The Department of State accordingly requests that the U. S. S. *Des Moines*, which recently visited Vera Cruz and is believed to be now at Progreso, be ordered to return to Vera Cruz immediately to observe and report upon the situation and, in such ways as commend themselves to the discretion of the commanding officer, to afford protection to the Americans and American interests that may be in need thereof.

Since the policy of this Government with regard to Mexico and the revolution at present in progress in that country is one of nonintervention, the Department desires that the commander of the *Des Moines* be instructed to observe a strictly neutral attitude in his dealing with the Federal or rebel *de facto* officials, and that he take no action which could be construed as favoring either one side or the other in the present controversy. It would be glad to have him report frequently upon the developments in the political situation and begs to say that it would also be glad to have him, after Americans and American interests have been adequately provided for, to afford such assistance and protection to foreigners and foreign interests as may be possible under the circumstances.

The Department regrets that it is not possible to give anything more than the above general indications as to the instructions which should be sent to the commanding officer of the *Des Moines*. The information it has so far received is meager and it is practically impossible to foresee what will occur in the immediate future. It desires accordingly that the commander shall, with the general position of the Department in mind, act in all instances and at all times in accordance with his own discretion. He will doubtless find it advantageous to consult with the consul from time to time.

The Department understands that the U. S. S. *Tacoma* may soon be released from its duty at Bluefields on the Nicaraguan coast, and begs to suggest that in this event she also be ordered to the port of Vera Cruz to cooperate with the *Des Moines*. The instructions given her commanding officer should be the same as those given the commanding officer of the *Des Moines*. The principal reason for asking for her detail is the likelihood that communication between Vera Cruz and the outside world may be cut (the Department is informed by the consul at Vera Cruz that insurrectionists refused to permit the use of the cable from 11 o'clock on the night of October 16 until 10 o'clock the following morning) and the desire to have some channel of communication if this occurs. The *Tacoma's* wireless plant, in conjunction with that of the *Des Moines*, could probably relay messages either to Texas or to Cuba with sufficient accuracy to make this a trustworthy means of communication.

I have [etc.]

Alvey A. Adee.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, October 18, 1912—2 p. m.

In view of the presence of the large number of Americans, foreigners, and noncombatants in Vera Cruz, and their important interests there, and the difficulty, if not the impossibility, of their being able to protect themselves, you are directed to say to the Foreign Office that the Department hopes that no fighting, either in the streets of Vera Cruz or elsewhere which would seriously endanger the persons and interests referred to, will take place.

ADEE.

File No. 812.00/5276.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, October 18, 1912—7 p. m.

On account of general excitement of people here over her supposed mission, Minister for Foreign Affairs strongly urged me to request Department not to allow *Des Moines* to enter port of Vera Cruz for the present. I replied that I would transmit his request.

In view of my remonstrances there will be no bombardment of city, but opposing forces will engage outside.

SCHUYLER.

File No. 812.113/1183c.

The Acting Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, October 18, 1912.

SIR: I have the honor to inform you that this Department has received definite information through its Consular Service that Vera Cruz, Mexico, is now in the hands of insurrectionary forces.

In view of the shipments of arms and munitions of war that are likely to be excepted by the President for routing via Vera Cruz, or that have already been so excepted, I have the honor to request that your Department take such action as may be necessary to hold up all shipments which are to enter Mexican territory through that port until this Department can satisfy itself that conditions are such as to warrant forwarding such articles by the route referred to.

I have [etc.]

ALVEY A. ADEE.

File No. 812.00/5287.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, October 19, 1912—10 a. m.

General Felix Díaz, in command in this city, requests that I forward the following:

General Felix Diaz to the Secretary of State.

SECRETARY OF STATE KNOX,
Washington, U. S. A.:

On account of my occupancy of a place which is the principal port of the Republic, I beg that the belligerency of the armed movement which I have initiated be recognized. My program, which I have fully made known, is no other than that of the reestablishment of peace in the Republic, counting upon it that all insurrectionists are in accord with me and will abandon their attitude (*i. e.*, the way they are conducting their independent campaigns against the Government) if I intervene as a third in the dispute. A great part of the chiefs of the army are with me—almost all, I may say, of the officers and soldiers. It is clearly to be seen, therefore, that the combatants on both sides are worn out by the shameless war they find themselves obliged to carry on as a result of the infamies and shortcomings of the present Government. I have given my word of honor before the world that I have no personal ambition whatsoever and wish only to set the feet of my country again in the paths of peace, of order, and of labor. Accordingly, I shall assume supreme command only until national life shall be completely normalized, at which time I shall call elections throughout the country so that in calmness and a right mind the people may freely elect whomever shows the greatest evidence of fitness. To him who triumphs I will lend the aid of all my powers, so that he may take quiet and peaceful possession of his office, and when I shall have retired from active politics I will continue to give him my moral aid. I also solemnly declare that I will not directly aid any other candidate whatsoever, no matter of what party he may be, since he who triumphs will owe his success exclusively to the ballot boxes.

The time during which I have been in occupation of this port has demonstrated what are the methods of procedure that I think ought to be followed by any chief in authority—not the slightest attack upon either property or persons, no exaction upon business, industry, or investment; public funds scrupulously and perfectly accounted for, profound respect for the partisans of the Madero Government in so far as their ideas have, as until now, translated themselves into inviolable guaranties of liberty of thought within the law and morals, for not one of them has been arrested, despite the vehemence of certain of them, who formed the only discordant note in the peace and harmony which has reigned in this port since my arrival.

Begging you to pardon me for the omission of certain customary forms, which is due to the abnormal circumstances by which I am surrounded, I beg you to communicate the substance of this communication to the honorable the President of the United States of America, whose reply I anxiously and respectfully await. I beg to assure you of my most high and distinguished consideration.

FELIX DÍAZ.

CANADA.

File No. 812.00/5271.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, October 19, 1912—2 p. m.

Second paragraph of your October 17, 10 p. m. *Des Moines* sailed 18th for Vera Cruz from Progreso; will arrive daylight October 20. Orders were given that after Americans and their interests have been cared for the commander may give such assistance and protection as is possible to foreigners and their interests and to noncombatants. You may so inform the German Chargé d'Affaires.

ADEE.

File No. 812.00/5276.

DEPARTMENT OF STATE,
Washington, October 19, 1912—5 p. m.

Your October 18, 7 p. m. You will say to the Minister for Foreign Affairs that while the Department is glad to accede to his wishes whenever possible, it can scarcely justify itself in doing so in the present instance, since, in ordering a gunboat to Vera Cruz, which is admitted by the Mexican Federal Government to be under rebel control, it is fulfilling a perfectly obvious and imperative duty on its part toward Americans and American interests in that port. Hence, this Department not only deprecates but much regrets that any other purpose should be perceived in its presence there than the one which you have communicated to the Mexican Government and which the Mexican Government may, if it deems it necessary, make public in order to calm whatever excitement may exist. It would seem quite superfluous to add that this Government, of course, has no other purpose whatsoever in dispatching the *Des Moines* to Vera Cruz.

ADEE.

File No. 812.00/5294.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Extracts.]

AMERICAN EMBASSY,
Mexico, October 20, 1912—9 p. m.

Minister for Foreign Affairs informs me that the policy of this Government is to do nothing for the present in a military way except to surround Vera Cruz and to prevent escape of Diaz. He thought that every day of delay and of inaction on the part of Diaz would strengthen the position of the Government and alienate the people from the rebel movement. He assured me that no bombardment or other fighting in Vera Cruz was in contemplation.

SCHUYLER.

File No. 812.00/5293.

American Embassy,
Mexico, October 20, 1912.

Department's October 19, 5 p. m. I have found no excitement concerning arrival of *Des Moines* except on the part of administration, and I so informed Minister for Foreign Affairs just now. He declared that the Government had no objection to the arrival of the vessel now, but that there had been fears as to the effect which its arrival would have at the outbreak of uprising at Vera Cruz.

Schuyler.

File No. 812.00/5297.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.]

American Consulate,
Vera Cruz, October 21, 1912—10 a. m.

I transmit the following, just received, from the Federal General Beltrán:

General Beltrán to the American Consul at Vera Cruz.

William W. Canada,
Chief of the Consular Corps, Vera Cruz:

In obedience to the orders of my Government to regain possession of the city of Vera Cruz, in which you are, in addition to being the representative of your country, the worthy chief of the consular corps, and in view of the presence in the harbor of the *Des Moines*, I have the honor, in compliance with article 17 of the laws of war, to inform you that the city will be taken by force of arms. I hope, Mr. Consul, that you will be good enough to take, in the matter of your nationals, and with the consuls over whom you preside (so that they in turn may do so for their nationals), the necessary precautionary measures for avoiding the consequences which unfortunately are usually attendant upon an engagement at arms. Hospitals, scientific establishments, and buildings over which the Red Cross flag is displayed will be places of refuge. It is impossible for me to inform you of the hour at which the attack upon the city will commence, but I assure you that it will not be earlier than 24 hours from the time you receive this communication. I am glad that one of the steamers of your Nation is in the bay, and I trust that it will facilitate the matter of dealing with the material difficulties which might be met by those of your nationals who might desire to leave the city in haste. If you deem it in order, I beg to request you to be good enough to present my respects to the senior officer of the *Des Moines*.

Accept [etc.]

Joaquín Beltrán,
General of Brigade, Territory of Vera Cruz.

October 20, 1912.

Canada.

File No. 812.00/5306.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, October 21, 1912—12 noon.

Diaz is hourly losing strength and prestige. The failure of the army to declare for him immediately after the capture of Vera Cruz has greatly weakened his position and helped the Government, which is now stronger than for some time. Diaz counted on prestige of his name and position as an army officer and did not sufficiently plan capture or revolt of other important strategic centers.

There is a great drain on the Treasury caused by the immense sums of "pacification money" constantly being paid by Madero to individuals all over the country, ranging from 1,000 pesos. These payments can not be indefinitely continued and when they cease beneficiaries will doubtless make trouble.

SCHUYLER.

File No. 812.00/5297.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 21, 1912—11 p. m.

Consul, Vera Cruz, telegraphs October 21, 10 a. m., that Federal commander Beltran has given notice that he will endeavor to regain possession of Vera Cruz by force of arms within 24 hours from the receipt of his message by the consul. Reiterate to the Mexican Government the hope expressed in the Department's October 18, 2 p. m., that no fighting which would endanger American life and property will take place. Consul has been instructed to confer with commander of *Des Moines* and his colleagues and to take all necessary precautions.

KNOX.

File No. 812.00/5315.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Vera Cruz, October 22, 1912—10 a. m.

Foreigners and noncombatants are between consulate and the *Des Moines*, which lies 2,000 feet away. This zone has been designated by myself and colleagues as neutral. Commanders on both sides promise to respect and to protect it, being convinced that if they do not Commander Hughes will, even if he has to land armed forces. I have taken all possible steps to protect life and properties, even established hospital in free zone, and have mounted messengers to be able to act quickly when battle commences at 12 o'clock a. m., as promised.

CANADA.

File No. 812.00/5317.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Extract.]

AMERICAN EMBASSY,
Mexico, October 22, 1912—3 p. m.

Your October 21, 11 p. m. The most stringent orders were given yesterday and reiterated after Cabinet meeting to-day to do as little damage as possible to the city of Vera Cruz and especially to foreign interests. There is no intention of bombarding the city; fighting will take place outside of city, fire being directed at barracks.

SCHUYLER.

File No. 812.00/5319.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, October 23, 1912—7 a. m.

The battle has already commenced all around city.

CANADA.

File No. 812.00/5333.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Extract.]

AMERICAN EMBASSY,
Mexico, October 23, 1912—1 p. m.

Felix Diaz has been made prisoner. This collapse of his revolt greatly complicates the general situation. Temporary success of the Government will only result in prolonging trouble. We should have warships in every Mexican port, prepared to remain indefinitely, as the Madero administration is absolutely impotent to bring about even a semblance of peace and order.

SCHUYLER.

File No. 812.00/5333a.

The Acting Secretary of State to the Secretary of the Navy.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1912.

With reference to the message dated October 22, 10 p. m.,[1] from Commander Hughes at Vera Cruz, in which he requests instructions with regard to inquiries that have been made of him as to asylum for Felix Diaz, I have the honor to say that, while this Department understands that the subject of asylum is covered by standing instructions furnished by the Navy Department to all American naval officers, this Government does not claim what is technically known as the right of asylum in the strictest sense. There is, however, an evident distinction between cases of this kind and cases in which temporary refuge is given in order to preserve innocent human life; in cases of the latter kind this Department finds it expedient to give a certain latitude to the judgment of the officer who is called upon to determine within his discretion the course recommended by broad considerations of humanity in each individual case. It is accordingly the general rule of the Department to place all emphasis upon the responsibility of the official concerned and to permit him within these limitations, at his discretion, to afford temporary refuge where such is necessary to preserve innocent human life.

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[1] Not printed.

HUNTINGTON WILSON.

File No. 812.00/5424.

The American Consul at Vera Cruz to the Secretary of State.

No. 768.]

AMERICAN CONSULATE,
Vera Cruz, October 23, 1912.

SIR: I have the honor to inclose herewith a series of documents and reports referring to the taking of the city of Vera Cruz and the subsequent happenings.

I have [etc.],

WM. W. CANADA.

[Inclosure 1.]

[Not printed; consists of a minute account of events, October 15-21, in diary form.]

[Inclosure 2.—Translation.]

Copy of Memorial sent to General Joaquín Beltrán by the Consular Corps.

The consular corps accredited in this port, desirous of avoiding as far as possible the shedding of blood, and above all to assure the safety of the lives and interests of their countrymen as well as of the peaceful citizens of the city, especially the lives of women and children, take the liberty of requesting that the combat with the troops commanded by Brigadier General Díaz, who are in possession of the city, do not take place in the interior of the city.

The committee of the consular corps desire to have a conference with you in a place which you may indicate, as near as possible to the city, confiding in your protection of their persons during the discharge of that commission.

We are [etc.],

W. W. CANADA,
American Consul.
A. BROUZET,
French Consul.
M. BAYON,
Spanish Consul.
C. GERTZ,
German Consul.
L. J. NUNN,
British Consul.
FRCO. P. DE COS,
Portuguese Consul.

[Inclosure 3.—Translation.]

General Beltrán to the American Consul.

EJERCITO NACIONAL,
SECCION DE OPERACIONES MIXTOS,

No. 273.]
Tejeria, October 19, 1912.

SIR: Gen. Agustín Valdez has put in my possession the communication in which you, as dean of the consular corps, have requested an interview.

As chief, which I am, of the forces which operate in this district, I inform you that it will be a pleasure to have the interview take place.

For the purpose, I request that you and the consuls and vice consuls who so desire come to Tejería at 4 p. m.

I will be at the entrance to the town at your orders.

JOAQUÍN BELTRÁN.

[Inclosure 4.]

Commander Hughes to the American Consul.

OCTOBER 20, 1912.

DEAR MR. CANADA: Both you and the captain know that if active trouble arises about the discharging of the *Seguranza*[1] I am the one that will have the final trouble.

The captain said to-day that under no circumstances would he allow arms or ammunition to be landed, and I wish he would give us that assurance in writing and state whether any arms or ammunition are in the cargo.

If arms or ammunition are landed I shall refuse action in time of trouble. I am fairly well assured that if no arms or ammunition are landed there will be no trouble. I will see you in the morning.

Sincerely,

C. F. HUGHES.

[Inclosure 5.—Translaton.]

General Beltrán to the American Consul.

NATIONAL ARMY,
SECTION OF MIXED OPERATIONS,
No. 280.] *Tejeria, Vera Cruz, October 20, 1912.*

Having to obey the orders of my Government to the end of retaking the plaza of Vera Cruz, in which, in addition to being the representative of your country, you are the worthy dean of the consular corps, and the U. S. S. *Des Moines* being in the bay, I have the honor, in compliance with Article XVII of the Articles of War, to inform you that that place will be taken by force of arms.

I expect, Mr. Consul, that you will take with your countrymen and with the consuls over whom you so worthily preside, in order that they may in turn do so with their countrymen, the measures of precaution necessary to avoid the consequences which unfortunately an armed combat brings with it.

It is impossible for me to manifest to you the hour at which the attack on the city will commence, but I guarantee that it will not be in less than 24 hours, counting from the time at which you receive this communication.

The hospitals, scientific building, and edifices which fly the Red Cross flag will be places of refuge.

I am glad that a ship of your Nation is in the bay, because I am confident that this will assist in solving the material difficulties of those of your countrymen who wish to leave the city.

If you consider it proper, I take the liberty of requesting that you present my respects to the Commander of the *Des Moines*.

Please accept, etc.,

JOAQUÍN BELTRÁN.

[Inclosure 6.—Translation.]

The American Consul to General Beltrán.

Your attentive communication, No. 280, of yesterday, and which was delivered to me at a quarter past 10 this morning, leaves me advised of the resolution of your Government to retake the plaza of Vera Cruz by force of arms.

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[1] See pp. 900 et seq.

The consular corps was advised of the contents of the communication at the meeting which was held at 11 this morning. At this meeting the consuls unanimously agreed to send you this answer to your communication and to say to you, in addition, that by common accord they have agreed to use the bodegas which are on wharf No. 4 as a place of refuge for the families of foreigners in this port, and permit themselves to request very earnestly that you give your orders to the end that this place be respected by your forces, and at the same time extend their request to include the buildings where their respective flags fly, as in them are their own families.

I have paid your respects to the Commander of the warship *Des Moines*.

I subscribe myself, etc.,

Wm. W. Canada.

File No. 812.00/5380b.

The Acting Secretary of State to the Secretary of the Navy.

Department of State,
Washington, October 25, 1912.

Sir: I have the honor to inform you that the effects of the recent developments in the situation in Mexico, as reported by the Embassy at Mexico City and the consular officers throughout Mexico, are such as to cause this Department concern as to the course of affairs in that country in the near future.

It seems the part of wisdom, therefore, and the Department has been confirmed in its opinion by conferences with the American Ambassador to Mexico, who has recently been in Washington, to be adequately prepared promptly to afford protection to such Americans and American interests as may stand in need thereof.

I accordingly have the honor to request that in addition to the *Des Moines* and *Tacoma*, which are now at Vera Cruz and Tampico, respectively, two other vessels, one to be of very light draft, be held in readiness for service in Mexican east-coast waters (the light-draft vessel being necessary in the event of any disturbances in the Yucatan Peninsula, where all the harbors are shallow), so that any emergency that may arise may be quickly and effectively dealt with.

With regard to the situation on the west coast it is requested that vessels be kept in readiness for dispatch, in case of need, to the four principal ports and railway terminals on the west coast of Mexico—*i. e.*, Salina Cruz, Manzanillo, Mazatlan, and Guaymas—since there are large American interests at all of these places and they are the ports which Americans who might be forced to flee from interior points would endeavor to reach in attempting to leave the country. The Department has reason to believe that the port of Manzanillo, which is the gateway to the city of Guadalajara, the second in importance in Mexico, should be kept particularly in mind, since it would appear that the most serious of the revolutionary activities that may break out in the interior of Mexico will probably occur in the State of Jalisco.

This Department realizes that the early dispatch of the *Denver* to Mexican west-coast waters, which has already been determined upon, and which will probably remain indefinitely in Mexican west-coast waters, makes it necessary for the Navy Department to be prepared to send only three additional vessels to west-coast ports.

I have [etc.] Huntington Wilson.

File No. 812.00/5480.

The American Consul at Vera Cruz to the Secretary of State.

No. 770.]

American Consulate,
Vera Cruz, October 25, 1912.

Sir: I have the honor to inclose a series of reports and documents referring to the taking of Vera Cruz by the rebel general Felix Diaz and the retaking from Diaz by the Federal general Joaquin Beltrán.

I have [etc.]

Wm. W. Canada.

[Inclosure 1.]

[Not printed; consists of a continuation of inclosure 1 of the Consul's No. 768, ante.]

[Inclosure 2.]

Commander Hughes to the German Consul.

United States Cruiser "Des Moines,"
Vera Cruz, October 21, 1912.

Sir: I beg to acknowledge receipt of your letter of the 21st instant, requesting me to take under my protection the following properties belonging to German subjects, namely: House Miguel Lerdo No. 8, belonging to Mr. During y Cia. Sucs.; House Benito Juarez No. 14–28, belonging to Sommer, Herrmann y Cia. Sucs. (site of the German Consulate); House Cinco de Mayo No. 6, belonging to Guillo. Büsing y Cia. Sucs. In case the city is bombarded, I shall afford the same protection to the above properties as I shall afford protection to property of American citizens.

I have [etc.]

C. F. Hughes.

[Inclosure 3.]

The German Consul to Commander Hughes.

German Consulate,
Vera Cruz, October 21, 1912.

In addition to the request made this morning, asking for protection of German properties upon indication of the German Minister in Mexico City, I herewith beg you to extend the protection of your flag equally over the German steamer *Steigerwald*, now in port, which serves as a refuge for German and foreign families who deem themselves in danger.

If you consider it necessary that said steamer change its anchorage please advise the captain.

C. Gertz.

[Inclosure 4.]

Commander Hughes to the German Consul.

United States Cruiser "Des Moines,"
Vera Cruz, October 21, 1912.

Sir: I beg to acknowledge receipt of your letter of the 21st instant requesting that I furnish protection to the German steamer *Steigerwald*.

I beg to inform you that I will afford all the protection within my power to the above vessel, the same as if she flew the flag of the United States, and I have so informed the senior Mexican naval officer and the master of the *Steigerwald.*

I have [etc.]

C. F. HUGHES.

[Inclosure 5.]

Commander Hughes to General Felix Diaz.

UNITED STATES CRUISER "DES MOINES,"
Vera Cruz, October 21, 1912.

SIR: I have the honor to acknowledge the receipt of your communication of this date,[1] forwarding a copy of your letter of the same date to the dean of the consular corps, in regard to military operations and the necessary succor in this vicinity.

I have the further honor to accept your assurance that no act of yours will cause me to land an armed force. Such assurance was to be expected from a man of honor and an officer and a gentleman of your reputation.

Having assumed the protection of the foreign residents, I trust that the act of no person will cause me to land a force on the soil of Mexico.

I desire to assure you [etc.]

C. F. HUGHES.

[Inclosure 6.]

Commander Hughes to General Beltrán.

UNITED STATES CRUISER "DES MOINES,"
Vera Cruz, October 21, 1912.

SIR: I have the honor to acknowledge the receipt of a copy of your communication[1] to the dean of the consular corps at Vera Cruz, No. 280, and dated October 20, 1912, in which you give the notice, as required by the congress of nations, that you will make an attack on the city of Vera Cruz not earlier than 24 hours after the receipt of said communication.

In the above-mentioned communication you do me the honor of stating your pleasure at the presence of the ship under my command in Vera Cruz, and I thank you for the consideration. That you would fully conform with the civilized usages of warfare was only to be expected from an officer and a gentleman of well-known reputation and high attainments.

I have the honor to inform you that I have assumed the protection of the foreign citizens now resident in Vera Cruz, and, while well knowing that no act of a soldier of Mexico would cause trouble to a foreign noncombatant, I trust that no person will so act, or be allowed to act, as to cause me to use force on the soil of Mexico.

Allow me again to extend my thanks for your great courtesy and consideration and to assure you of my highest regard and esteem.

Very respectfully,

C. F. HUGHES.

[Inclosure 7.—Translation.]

General Beltrán to Commander Hughes.

MIXED SECTION OF OPERATIONS,
GENERAL IN CHIEF,

No. 307] *Encampment in Front of Vera Cruz, October 22, 1912.*

HONORABLE SIR: I highly appreciate the courteous phrases in your favor of yesterday, and I take note of your just opinion with respect to the Mexican soldiers, who will not permit themselves and will not permit to others any unworthy acts against any foreigners.

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[1] Not printed.

The hospitality of the Mexican nation and the justification of the acts of the Government of the North American Republic move me to this acknowledgment of your letter, which I shall communicate to my Government.

I repeat [etc.]

JOAQUÍN BELTRÁN.

[Inclosure 8.]

The American Consul to Commander Hughes.

On motion of Mr. Brouzet, the French Consul, which was passed and adopted unanimously in to-day's meeting, I was directed, as Dean of the Consular Corps, to convey to you the following vote of thanks:

The Consular Corps of Vera Cruz thanks Commander C. F. Hughes, of the United States cruiser *Des Moines*, for his able and efficient work in protecting life and property in the city of Vera Cruz during the storming of said city on the 23d instant by the Government troops."

And it is my pleasure to comply with the request of said Consular Corps, begging to add my own personal expressions of gratitude to you for your humanitarian service in behalf of all residents of Vera Cruz.

WM. W. CANADA.

VERA CRUZ, *October 25, 1912.*

[Inclosure 9.]

The German Consul to Commander Hughes.

No. 554/12.]

GERMAN CONSULATE,
Vera Cruz, October 25, 1912.

I beg to acknowledge receipt of your letters Nos. 368 and 369 appreciating highly your kind offer to protect German properties in this city and equally the German steamer *Steigerwald.*

At the same time I beg to express my thanks in the name of myself and of all residing German subjects here for your courtesy and readiness to afford us your protection.

C. GERTZ.

File No. 812.00/5333.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 26, 1912—10 a. m.

Your October 23, 1 p. m. Navy Department requested to hold in readiness for east-coast waters two vessels in addition to the *Des Moines* at Vera Cruz and the *Tacoma* at Tampico, one of light draft for service along the Yucatan Peninsula, the other a larger vessel; and four vessels to cover the west-coast ports of Guaymas, Mazatlan, Manzanillo and Salina Cruz. The Department does not feel justified in requesting the Navy Department to order these vessels at once to Mexico, as there would appear to be nothing in the local situation at any of the ports named to warrant the sending of vessels there for the protection of Americans and American interests and they could not plausibly be sent for any other purpose. You will continue to keep the Department closely informed as to the situation, however, so that action may be taken without delay if necessary.

HUNTINGTON WILSON.

File No. 812.00/5433.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.—Extract.]

American Consulate,
Vera Cruz, November 7, 1912—9 p. m.

Profuse expressions of friendship for the United States are being made by citizens and residents of the State and city of Vera Cruz; Commander Hughes is virtually their hero now, and he is entitled to all the praise and credit given him.

Canada.

File No. 812.00/5438.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, November 8, 1912—12 noon.

Government reports that the rebels around Cuernavaca have been dispersed. Rebel activities in the State of Mexico increasing.

Schuyler.

File No. 812.00/5441.

The American Consul at C. P. Diaz to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate, *Ciudad Porfirio Diaz.*
(Received November 8, 1912—6.10 p. m.)

About 1,000 rebels in the southern part of this district, in bands of 50 or less. Impossible to say who leads them. In the northern part, about 1,000 have operated during the past month, but are supposed to have crossed into Chihuahua.

Luther T. Ellsworth.

File No. 812.00/5448.

The American Consul at Durango to the Secretary of State.

[Telegram.—Extract.]

American Consulate,
Durango, November 9, 1912—10 a. m.

Northeastern portion of Durango in rebel possession, estimated 2,000; also as many more in extreme eastern part of State of Durango; numerous other small rebel and bandit bands nearly all sections.

Hamm.

File No. 812.00/5467.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Extract.]

AMERICAN CONSULATE,
Chihuahua, November 11, 1912—12 noon.

Rebels have about 300 near railroad 50 miles north and about 200 in two or three detachments in western part of State.

LETCHER.

File No. 812.51/48.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Extracts.]

AMERICAN EMBASSY,
Mexico, November 12, 1912—5 p. m.

Finances of Mexico in hopeless confusion and bankruptcy seems rapidly approaching.

SCHUYLER.

File No. 812.00/5482.

AMERICAN EMBASSY,
Mexico, November 13, 1912—12 noon.

Rebels now control entire coast of Guerrero, most of Michoacán and the State of Mexico, and are increasing in northern Chiapas.

Many political arrests and domiciliary visits by the police are being made.

SCHUYLER.

File No. 812.00/5494.

The American Consul at Acapulco to the Secretary of State.

[Telegram.—Extract.]

AMERICAN CONSULATE,
Acapulco, November 14, 1912—3 p. m.

Rebel leader Padilla controls all coast region to north of Acapulco. All Government troops have retreated to Acapulco.

HARRY K. PANGBURN.

File No. 812.00/5504.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, November 15, 1912—2 p. m.

All communications north of Acapulco are in rebel hands. Conditions in Guerrero are very serious and increasing. *Maryland* has left. I advise immediate dispatch to Acapulco of a war vessel to remain until Federal Government regains some semblance of control.

Congress is apparently firmly determined to be independent of Executive control. Gustavo Madero is strengthening himself in every way. Cabinet is split over latest political developments, and recent apparent strength of administration is disappearing.

Minister of Trade and Commerce is informing Americans that it is impossible to protect their interests, as he naturally prefers to protect Mexican interests rather than foreign, and that everyone's first duty was to protect himself instead of relying on the Government.

SCHUYLER.

File. No. 812.00/5502.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram.—Extract.]

AMERICAN CONSULATE,
Vera Cruz, November 15, 1912—2 p. m.

Large rebel forces in the northern, numerous small bands in the central and southern part of the State which will scatter all directions on the approach of Federals.

CANADA.

File No. 812.00/5513.

The American Consul at San Luis Potosí to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
San Luis Potosí, November 17, 1912—8 p. m.

Cuidad Maiz, town 4,000 inhabitants, 90 miles east, taken by rebels.

BONNEY.

File No. 312.11/992.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 20, 1912—1 p. m.

Last paragraph of your November 15, 2 p. m. Calling his attention to the statements that are being made by the Minister of Trade and Commerce, you will say to the Minister for Foreign Affairs that the Department is astonished to learn that a member of the Cabinet is making statements so ill considered and so unfriendly to this country, and takes it for granted that his opinions are not shared by the Minister for Foreign Affairs nor the Mexican Government; that the Minister of Trade and Commerce will be immediately and appropriately cautioned and that the Government of Mexico will exert every effort to afford ample protection to the persons and property of American citizens.

KNOX.

File No. 312.11/998.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, November 27, 1912—12 noon.

The spread of anti-American feeling is especially noticeable in the failure to take prompt and adequate measures in the increasing number of cases of minor Mexican officials guilty of offenses against American citizens or their property. The momentarily heightened prestige of the Government due to the Vera Cruz incident may account for this feeling; the idea seems to prevail that it is less dangerous than it was to annoy Americans. The President is informing people that he is delighted with the election of Mr. Wilson as President of the United States.

I am to-day transmitting to the Department a long note from the Mexican Government replying to this Embassy's note of September 15.

SCHUYLER.

File No. 812.00/5662.

The American Consul at Vera Cruz to the Secretary of State.

[Extract.]

No. 775.]
AMERICAN CONSULATE,
Vera Cruz, November 27, 1912.

SIR: * * * The actual capture of Diaz at the municipal palace was an act of treachery, pure and simple. The first Federal troops to arrive there showed a white flag and called on Diaz and his men not to shoot, as they were friends and had come to join him, at the same time asking for orders. In view of this he refrained from harming them and as his men came down from the roof of the palace to embrace their friends their guns were taken away from them and Diaz was left helpless and alone. General Beltrán's men came through and took advantage of the neutral zone, which both commanders had agreed to respect. * * *

People all over the State are murmuring and discontented and are expressing their disapprobation and censure at the conduct of General Beltrán over Diaz, who has probably many times as many adherents as at the time of the taking of Vera Cruz. In fact the whole State seems to have come to be in sympathy with him.

It would not in the least surprise me to see Beltrán himself rise against the Madero Government. He has lost much prestige with the people and the army by the treachery practiced on Diaz and the only way to redeem himself with the people is to join Diaz and help him win out. * * *

The present feeling toward the United States, so far as the State of Vera Cruz and the isthmus country is concerned, continues to be more friendly, in my opinion and in that of competent judges among the foreigners, than ever before. The conduct of the American Government in its protection of the lives and property of foreigners and natives, and that of Commander Hughes of the *Des Moines* in particular, is lauded, and expressions of gratitude and approval are heard on all sides.

I am [etc.]

WM. W. CANADA.

File No.312.11/1001.

The American Chargé d'Affaires to the Secretary of State.

No. 1792.]

AMERICAN EMBASSY,
Mexico, November 27, 1912.

SIR: With reference to my telegram of November 24, 12 noon,[1] I have the honor to transmit herewith a translation of the note which I have received in reply to the Embassy's strong note of September 15 last.

I have [etc.]

MONTGOMERY SCHUYLER.

[Inclosure.—Translation.]

The Mexican Minister for Foreign Affairs to the American Chargé d'Affaires.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 22, 1912.

MR. CHARGÉ D'AFFAIRES: I have taken cognizance of the note dated in this city on the 15th and received on the 17th of September last, numbered 5576-300, which the Government of the United States addresses to the Mexican Government through his excellency the Ambassador, Mr. Henry Lane Wilson, in which, after a full expression of its opinion concerning the conditions of American citizens in Mexico and the situation of the country, it asks for an adequate and categorical reply regarding the measures which the Government of Mexico may decide to adopt, first, to arrest and properly punish the authors of murders of American citizens; second, to cause a supposed hostility toward the American interests mentioned to cease; and, third, to ameliorate the general conditions of the country so that American citizens residing therein may not suffer on account of the state of revolution, anarchy and chaos in which Mexcio is said to be.

I must in the first place confess that the tone of the above-mentioned note has been a source of great surprise to the Mexican Government, because it had never expected from the Government of the United States reproaches so severe, so much at variance with the spirit of amity invoked in said note and so pessimistic in their conclusions, many of which are based on a manifest error or an inexplicable misunderstanding.

With the fullness of consideration required by the importance and number of the cases mentioned, with the sincerity and honesty which guide the Mexican Government, without susceptibilities of amour propre, and in pursuance of the instructions I have received from the President, I now have the honor to make an exact and abundant reply to the Government of the United States, concerning the above-montioned points, admitting the evil wherever it may exist, and trusting that that Government will regard this answer and estimate its details with a calm and impartial judgment, and consider it as the expression of the purposes of the Mexican Government in matters concerning foreign residents.

With reference to the first point, the Mexican Government, under and in spite of the present conditions of the country, has fulfilled its international obligation toward American citizens. A hasty review of the cases mentioned in the note I have the honor to answer will prove the above statement. According to the documents on file in the Foreign Office the following extracts appear on record:

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[1] Should be November 27, 12 noon.

Case of Wm. H. Waite. April 4, 1912, judicial investigation was made. Frequent requests were sent to the court urging action, and the data furnished by several persons have been sent to it, among which are the data furnished by Mr. A. B. Coate, a resident of the State of Veracruz. This person does not dare to affirm that the persons he has pointed out as presumable authors are guilty, and only because the judge and the secretary did not look at him squarely in the face, he believes in the guilt of both the accused and the authorities. There appears on file a record from a revolutionary court, according to which Agustín and Macedonio Rodríguez were sentenced to death by said court and their execution ordered, because among other crimes they committed the murder of Mr. Waite. The investigation is still pending.

Case of Henry Crumbley. July, 1912. His death was due to a fight he had with a peon, who wounded Crumbley because the latter was making love to the peon's wife. The investigation has been concluded; but the defendant, Santiago Alvarado, is at large and his whereabouts are not known.

Case of Rowan Ayres. August 15, 1912. The investigation of this horrid crime having been commenced, the Foreign Office has been actively urging the local authorities with a view to the prosecution and punishment of the guilty parties. The authorities of Puruándiro and Uruapam have been directed to arrest Rafael Espinosa, presumably the author of the crime. As in that place there have been several bands of bandits who flee upon the approach of the federals, the arrest has not been possible.

Case of James W. Reed. November, 1910. The investigation was commenced in the City of Mexico; and Sebastián Varela, who murdered Reed, was sentenced to nine years in prison and is serving his term.

Case of Geo. Critchfield or Bishop. Tuxpam, Veracruz, April, 1911. Antonio Balderrabano, the guilty party, has been sentenced to 15 years in prison and is serving his term.

Case of Emil Alex Krause, alias Roth. Tampico Alto, December, 1910. The investigation having been commenced, the same is still in course because the guilty parties have not been found.

Case of J. C. Ellick. Badiraguato, October, 1910. The presumably guilty men having been arrested, were afterwards released for want of evidence. The public prosecutor appealed from the above decision. During one of the revolutionary movements the accused escaped and their whereabouts are not known.

Case of J. R. Lockhart. November, 1910. Killed in an uninhabited place. Donaciano Molina and Pedro Mena having been arrested as presumably the authors of the crime, the case has been slowly handled because the court is far from the place of the occurrence, which is situated in the mountainous regions of the Sierra Madre. The rebels have prevented a fruitful investigation.

Case of Wm. W. Fowler. Tuxpam. The guilty man has been arrested; the case is pending.

Case of Sam. Hidy. Los Plátanos, San Luis Potosí. Killed in an uninhabited region. Investigation has been commenced, without results on account of lack of data.

There are no data in the Foreign Office concerning the cases of Caradoc, Hughes, Thomas Green, and W. L. Randell.

With reference to the ten cases which have been reviewed, four of which occurred prior to the revolution of 1910, three in 1911, and three more during the present year, judicial investigation, as may be seen, has been instituted in each case; the culprits have been convicted in three cases; in two cases the accused have been released for want of evidence, and in two cases the investigation has produced no results.

In connection with the above cases it is advisable to invite attention to the following circumstances: The great extent of the country and the scanty population in the places in which nine of the above-mentioned American citizens have been murdered, have made the judicial investigation very difficult, in some instances because of the lack of data, and on other occasions because of the reluctance of the lower classes, now as at all times, to reveal the names of the authors of crimes, some men carrying their reluctance to the extent of dying without giving the name of the person who has wounded them.

The scanty population in the places in which the above-mentioned murders have been committed and their distance from important centers do not always permit the courts to obtain a satisfactory result from the investigations undertaken by them. The American Secretary of State, Mr. Bayard, on September 18, 1886, in referring to violence suffered by Chinese subjects, made the following statement: "Chinese laborers voluntarily carry this principle of isolation and segregation into remote regions where law and authority are well known to be feeblest, and where conflicts of labor and prejudices of races may be precipitated on the slightest pretext and carried without check to limits beyond those possible where the power of law may be better organized."[1]

In that case, and in others which we could mention, precisely this point has been emphasized: that the scarcity of population and the difficulty in having duly organized tribunals in remote places, are the cause for the delays in the decisions of the courts and favorable results of the investigations.

Case of Foster, Carrol, and Glennon. The fact that this case has been treated separately must have been intentional, as the same is attended by circumstances absolutely different from those of the others. Messrs. Foster, Carrol, and Glennon operated as filibusters in Lower California, near the boundary line of the United States. They were pointed out as pernicious foreigners and the authorities were ordered to prosecute them.

The character of the crime committed by them places them beyond the protection of their Government, because they voluntarily assumed the risk of their action, which was in violation of the sovereignty and peace of the country in which they were received under the protection of its laws. Notwithstanding, when the Government was informed that the above-mentioned men had been killed, orders were given for the courts to open the proper investigation.

Therefore, the attitude of the Mexican Government with reference to the prosecution and punishment of persons guilty of violence against American citizens has been adjusted to the law and it can not be made the subject for reproach, except as the result of an eminently partial and adverse judgment, which is not in keeping with the proofs of amity previously received and with the course followed by the Government of the United States with reference to crimes committed within its territory against Mexican citizens. By way of an example I may refer to the following among other cases which could be mentioned, to wit: Antonio Rodriguez, burnt alive in Rock Springs, on November 9, 1910; Celso Cervantes, murdered by an American policeman in Los Angeles, California, the murderer having been acquitted; Damián Ríos and another Mexican, murdered in Texas in November, 1910; Cruz Rodriguez, murdered in Del Rio by an American customs officer. *The latter was acquitted because it was said that the victim was drowned in the river while escaping from his pursuers.* Nicanor Trevino, murdered in Galveston in June, 1911; Antonio Gámez, a boy, lynched in Thorndale in November, 1911. The above are a few of the many cases which prove the procrastination or indifference of the American authorities. The Mexicans arrested at Seguin on August 5th of this year, wounded by the constables and sheriffs of Marion, Texas, and placed *without medical treatment in a dungeon,* where one was found dead on the following day and the other lost his reason, prove the injustice of the imputation of cruelty and insensibility on the part of the Mexican judicial authorities.

On the other hand, it is not strange that such a crisis as the one suffered by Mexico, which has caused the death of so many Mexicans, should also have injured foreign residents; but it is to be hoped that the evils suffered may be compensated by the benefits which should result from the establishment of an organic peace based upon respect for the law. In any case, I beg to invite your attention to the fact that last year only three Americans were the victims of violence, and three more during the present year. On the other hand, during the month of September alone, of 1910, there were three American victims and one in the month of November of the same year, prior to the commencement of the revolution.

From the above it can be clearly seen that the outrages committed are those which occur under normal conditions. The American colony being so numerous and having so many interests in Mexico, it is inevitable that conflicts of one class or another should occur with the natives of the country; but it can be declared that such conflicts occur not because the victims may be of American nationality, but because they happen in all the countries of the world.

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[1] The date September 18, 1886, above given as that of the text quoted from Secretary Bayard, is incorrect; it should be February 18, 1886; the text is contained in a note directed to Mr. Cheng Tsao Ju, the Chinese Minister, "touching the treatment of Chinese subjects in the United States." (See For. Rel. 1886, p. 167; Moore's Digest, vol. vi, p. 834.)

With reference to the cases in which the courts have not granted release under bond to prisoners of American nationality accused of crimes of a common order, it must be said that the laws of the country, in view of its peculiar conditions, do not grant this privilege except when aside from other circumstances the penalty for the crime charged is less than seven years imprisonment. The laws of penal procedure of Mexico are in this respect more severe than those of the United States, and therefore American citizens who have to submit to them find a disadvantage when comparing them with the procedure which obtains in their country. The Government is at the present time studying the amendment to this law in the Federal District and the Territories in order that natives and foreigners may enjoy the benefits of freedom; but until the law is repealed in the Federal District and the States, the same will have to be applied indiscriminately to foreigners and Mexicans alike.

In each particular case which reaches the knowledge of the Government, the latter endeavors to act prudently by recommending that the release under bond be granted, if permitted by the terms of the law and justified by the good behavior of the accused prior to their incarceration, as shown by the investigation.

II.

The Mexican Government most earnestly rejects the imputation that it has acted with or manifested any hostility to American interests. In fact, it fails to know what authorities may have taken advantage of their position to satisfy their greed or animosity by persecuting and robbing American interests at a favorable opportunity, as alleged by the Ambassador in the note I now answer. The vagueness of the charge and its enormity relieve this Government from insisting on this point.

With reference to the concrete cases mentioned, to wit: The Associated Press; The Mexican Herald, an American newspaper; the Tlahualilo Company; the oil interests in Tampico, and the Mexican Packing Company, I have the honor to say that the Mexican Government has in no way shown any hostility to the above-mentioned interests, as may be seen from the following:

Associated Press. This concern had daily use, from 6 p. m. to 1 a. m., of a telegraph wire from Laredo to Mexico, dating from October 10, 1906, through a verbal agreement with the Director of Telegraphs, and for a period of three years. In October, 1909, the Government insisted, as had been done before, upon the necessity of entering into a formal contract, to which the representative of the Associated Press was opposed, making objections to the various projects submitted to him. In June of this year, the Government again insisted upon the contract, giving the company on two occasions a term of one month to accept the project or to express its objections.

The last project, dated August 1 of this year, consisted in that the company, aside from the amount it was paying, should pay the sum of $200.00 per month for each additional journal which should receive its service; that the observance of the contract should be governed by the laws of Mexico; that the Government should reserve its right to suspend the service in case of an interruption of the telegraph wires or when public order and the safety of the constituted Government should demand it, without the latter incurring any other liability than that of the refund of the amounts paid in advance. The messages of the Associated Press should be transmitted and received in Spanish, English or French. The agreement would not imply a monopoly and the Director of Telegraphs could, if he saw fit, enter into agreements of the same character with other companies. Practically, these conditions were those of the verbal agreement, therefore the Associated Press did not suffer any injury.

The general office of the above concern declined to accept these conditions which constitute the substance of the contract, and which had been accepted by their representative in Mexico; and for this reason, since the 1st day of September the company makes use of the telegraph wire, paying for such service the rate especially granted to the press.

The Mexican Herald. This journal received a subsidy from the past administration. The present Government has outlined as its policy not to subsidize the press, and for this reason the manager of The Mexican Herald, after unsuccessfully insisting with the Minister of Gobernación upon a new subsidy, started through El Heraldo Mexicano, written in Spanish, and controlled by the above-mentioned concern, a terrific campaign against the Government, publishing false reports of an extremely alarming character which caused panic throughout the country. The chief editor, a Mexican citizen, was incarcerated because he had infringed the penal laws.

The Mexican Government has a perfect right to suppress the abuse of the press, it being no obstacle thereto that the guilty person may seek refuge under the patronage of a foreign mercantile concern *which speculates with the peace of the country.* The peaceful residents of Mexico, the American colony included, applauded with gratification the measure dictated by the Government restricting "El Heraldo Mexicano."

The directors of this journal took advantage of the opportunity to suspend the publication of the daily, which was not yielding any profits, and they now seek to make charges against the Mexican Government for the supposed losses caused by the suppression of the journal. The Mexican Government, however, has not dictated any order preventing the publication of the above-mentioned paper.

The Tlahualilo Company. This company brought suit against the Mexican Government for the payment of damages because it had failed to receive a determined amount of water from the Nazas River to irrigate its property in the State of Coahuila. The Mexican Government, during the administration of President Diaz, denied the company's right to lay upon it that liability and brought a counter-suit claiming the nullity or expiration of the concession under which the company received the water. The decision of these questions having been entrusted to the Supreme Court of Mexico, the highest tribunal in the country, the attorneys for the claimant and those for the Government have argued the questions at length, very complicated questions indeed, that arise from the examination of the rights alleged; the decision of the court of first instance, pronounced before General Diaz left the presidency, was adverse to the claims of the company; and the decision of the court of second instance confirms the decision of the lower court. The present Government, which from the time it came into power, announced its firm purpose not to interfere in judicial matters, has faithfully kept its word. The briefs presented by the parties and the arguments set forth in the decisions of the Supreme Court of Justice fully demonstrate that the contentions of the Tlahualilo Company are not beyond discussion, but they do not seem to be so unquestionable as to bar any opinion to the contrary; rather, it can be said that they serve to show that the company did not comply with the obligations imposed upon it by the concession, and that the company having acquired by this concession the *surplus* of certain amounts of water of the Nazas River, now claims that it has preferential rights over the other riparians, much older possessors, of the above-mentioned river. The company from its incipiency was a Mexican corporation and it agreed that it could not transfer its rights to any company of a different nationality, or to a foreign company not organized according to the laws of this country.

The Tampico oil companies. The Mexican Government has not decreed any taxes on oil out of an anti-American sentiment. In order to meet its expenses it has to tax such national sources of wealth as can stand taxation, and oil, one of the wealths of Mexico, did not pay any tax. The contracts entered into with several companies exempt them from all sorts of taxes, excepting the one paid by means of revenue stamps.

Before the enactment of the stamp tax of twenty cents per ton, which is the equivalent of three Mexican cents per barrel—in no way an exorbitant tax, inasmuch as it is less than the rate paid by oil in California—a meeting was held with the representatives of the various companies engaged in the oil industry, and the majority accepted it without protest. Therefore, the Government in decreeing this tax has shown no anti-American spirit nor any special hostility against any particular company, because it has afforded identical treatment to companies representing English and Mexican interests, many of them very powerful, which have accepted the tax without discussion.

Popo Packing Company. The Government had under consideration the concession of the above-mentioned company with a view to declaring it revoked, provided the stipulations under which the concession had been granted had not been observed, and for the purpose of preventing the monopoly sought by the grantees. The case has been favorably decided for the company and the latter has transferred its rights by means of a contract authorized by the Government.

The Mexican Government does not forget the proofs of sympathy it has received from the American people in times of national distress, such as the French Intervention and the Revolution of 1910, which meant for Mexico the acquisition of its political rights, and which on this account aroused the sympathy of the American people. The Mexican Government can not note without surprise that it has been accused of an anti-American sentiment and of a spoliating persecution of American interests. It feels certain that an impartial and careful investigation of all the other cases, which, according to the note I have the honor to answer, could be mentioned and be the subject for protest, would be satisfactory, as the Mexican Government is clearly unaware of any act of its own which with serene and unprejudiced judgment could be the basis of the above imputation. It invites your honor to disclose those other cases which might be the subject for protest, in order to show its impartiality and justice, inasmuch as the Government has adopted as its rule of action to respect the law and consequently all rights legitimately acquired.

III.

The Mexican Government, as is known throughout this country and as is also known by the Government of the United States, had hardly assumed the direction of public matters when it was attacked by revolutionary movements, the first of which, initiated by General Reyes failed in its incipiency. The second, initiated by Pascual Orozco, who revolted with the volunteer forces he had in charge, succeeded, through his treason, in taking possession of the State of Chihuahua and advancing rapidly toward the south with the intention of overthrowing the constituted Government.

The Mexican Government with the scanty means it received from the previous administration, but having the support of public opinion, was able to face this new movement so successfully that it now has sixty thousand armed men distributed throughout the country, and to repel the enemy from its positions and reestablish its authority in the State of Chihuahua. At the same time that it obtained this success over the rebels in the north, it has had to fight the vandal movement lead by Zapata in the south, in the State of Morelos, and it has been able to suppress it to such an extent that during the last few months it seemed almost completely reduced and about to disappear, although during recent days it has again increased. The Government has also suppressed those minor movements which have occurred in Michoacán, Puebla, and other places; it has had to afford assistance to the governors of the various States, where public order has been disturbed on account of local questions, and at the present time it is endeavoring to suppress in the most efficient way the brigandage which has followed the political crisis. Its efforts in the north to protect American interests in Sonora have to this day been crowned with success.

The Government does not fail to see that the bands which are scattered and pursued by the Federal troops will, as a measure for self-preservation and for the purpose of causing the Government new difficulties, cause injuries not only to the interests of Americans, but also to those of other foreign residents of the country, even as they do particularly against the interests of the natives; but the Government is also confident that the Government of the United States will see that the above results are not caused by a neglect on the part of the Mexican Government to correct such evils, which it is the first to deplore.

All the countries of the world have passed through similar crises. The United States has not been an exception to this rule. After its war of Independence and the Confederate war, it had to suffer long periods of internal difficulties of all kinds, more severe perhaps than those which are suffered at the present time by the Republic of Mexico.

The Mexican Government can not be made responsible, without committing an injustice, for the present status of the country.

The present Government of Mexico has decided to adopt the law as the rule of its action in every case. This determination has caused it to appear weak in the opinion of a portion of society which was accustomed to a despotic régime; but there is no doubt that the real strength of the Government depends upon such action. The Mexican Government begs to invite attention to the fact that the American Government has not been able to prevent the organization of armed expeditions within its territory, that Mexican revolutionaries import arms and ammunition and continue to hold with perfect freedom and regularity revolutionary meetings in American territory. It is indubitable that if the United States had expelled all such Mexicans from its territory, or if they had been removed from the frontier States, the Mexican Government would have been able with less difficulty to bring about peace in the Republic. If the Government of the United States has not adopted the above measures, it is not through a lack of good will, always shown, towards Mexico, nor because of weakness, but because it is a Government whose principal prestige and strength are based upon the observance of law. Can the Government of Mexico be blamed because it is inclined to follow the same rule of conduct?

This note was already written when a new revolutionary movement headed by Brigadier General Felix Díaz broke out, and stirred the minds of people in Mexico and abroad; but it was checked and annulled by the Mexican Government within just eight days from the date on which it broke out.

This brief statement will show to any calm judgment the important task of organization and pacification undertaken and accomplished by the Mexican Government.

IV.

I have given a reply in the preceding pages to the note from his excellency Henry Lane Wilson concerning matters which affect American interests established in Mexico. The preceding explanation shows in the opinion of this Government that it does not spare any effort to prove its decided purpose to comply, to the full extent of its ability, with its international duties, and that it recognizes at the same time the right of the Government of the United States to inquire into the way in which the above duties are performed with reference to its citizens.

I should, therefore, consider this note as closed if it were not that the one I have the honor to answer, sent by the express instructions of your Government, contains, principally in its last paragraphs and in phrases interlined in the body of the note, expressions concerning the personnel of the Mexican Government by which that Government is seldom addressed, the term "the administration which in Mexico controls business,"[1] or another of similar nature being substituted. Such expressions compel me to state that such a form of address is inexplicable after the American Government has officially recognized the Mexican Government as legitimate and addresses it as if it alone governed in the City of Mexico.

Without aspiring to unusual consideration, the Mexican Government believed that it might expect from a friendly Government that the latter would avoid reference[2] to what the note under acknowledgment calls an unavailing regard for the amour propre of Mexico, and that if it considered it necessary to refer to the personnel of its Government it would employ a form less harsh than the one used—probably without precedent to this day in diplomatic courtesy and so at variance with the always just, calm and honest attitude of President Taft, the recognized friend of Mexico.

The personnel of the present Government deplores the incident and forgets it; and as a token of its true friendship for the American people, and in consideration of the high esteem and respect it has for the American President and for his Government, it prefers not to reply to that portion of the note in the terms in which it is written.

I avail myself of this occasion [etc.]

PEDRO LASCURAIN.

File No. 812.113/1470.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, December 15, 1912—10 a. m.

The Embassy has just received from the Foreign Office a note dated December 12 replying to my request for permission to import arms and ammunition, as follows:

> This Government has followed the invariable rule of not allowing foreigners residing in Mexico to be armed by their Governments; therefore, I beg that when

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[1] There is no such expression in the Ambassador's note; the reference is probably to "the Federal administration at present in control in Mexico City," "the administration now discharging the duties of government in Mexico," etc.

[2] In order to adhere more closely to the probable meaning of the Mexican Government, the translation of this paragraph departs considerably from the copy of the Spanish text received by the Department (File No. 312.11/1005), which is manifestly corrupt, as the following verbatim quotation from that text will show:

Sin pretender entrar en consideraciones inusitadas, creía esperar de parte de un Gobierno amigo que éste no [sic] prescindiera como expresa la citada Nota, de una inútil consideración al amor propio de México y empleara, ya que lo creyó necesario, para calificar el personal de su Gobierno, una forma menos dura, quizá sin precedente hasta ahora, en la cortesía diplomática, y tan ajena al espíritu siempre justiciero, sereno y honrado del Señor Presidente Taft, el reconocido amigo de Mexico.

you think it proper to ask that any American citizen domiciled in this Republic should procure arms, you will make your request as if it concerned a transaction between private individuals, so that the Mexican Government may have the satisfaction of granting it in all cases where it is possible.

I do not see how the change desired by the Foreign Office can be made by the Embassy, which has already stated that the arms had been shipped consigned to the Consul at Hermosillo.

SCHUYLER.

File No. 812.113/1479.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1912—5 p. m.

Your December 15, 10 a. m. You will say to the Mexican Foreign Office that although arms and ammunition are for convenience consigned to the Consuls at Hermosillo and Durango, they are intended for the protection of individual American citizens, calling attention to the fact that the Mexican Government permitted the entry of similar shipments to Hermosillo, Tampico and Guadalajara, and in the case of the two Hermosillo shipments provided military escort.

KNOX.

MEASURES TO PREVENT FIRING ACROSS THE BOUNDARY LINE BY MEXICAN TROOPS.

File No. 812.00/2729.

The Secretary of War to the Secretary of State.

[Telegrams.—Paraphrases.]

WAR DEPARTMENT,
Washington, February 3, 1912.

Colonel Edgar Z. Steever, Fourth Cavalry, commanding Fort Bliss, Texas, sends the following:

> Mexican authorities in Juárez, also Mexican consul in El Paso, notified to prevent any firing into United States territory in case of further disturbances or disorder in or about Juárez. The Governor of Texas has sent similar message to military commander in Juárez in connection with my notification, and invite [sic] attention to the fact that last spring similar warnings were sent to General Navarro, the Federal commander, and General Madero, the insurrectionary chief. However, this warning did not prevent numerous shots falling upon United States territory, killing and wounding in El Paso some twenty-five persons. In case of bullets or other projectiles falling upon United States territory in spite of my warnings, what further action, if any, does the Secretary of War desire me to take?

H. L. STIMSON.

File No. 812.00/2888a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, February 25, 1912—7 p. m.

Newspapers report that there are at Juárez only 100 Federals to oppose a large insurrectionary force. Would not the Mexican

Government, understanding that further firing into El Paso would be intolerable, be disposed spontaneously to give such orders as would preclude the possibility of fighting in Juárez or its immediate vicinity?

HUNTINGTON WILSON.

File No. 812.00/2914.

The American Ambassador to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, February 26, 1912—1 p. m.

I shall see the Minister for Foreign Affairs to-day in regard to your February 25, 7 p. m.

WILSON.

File No. 812.00/2903.

The Mexican Ambassador to the Acting Secretary of State.

[Telegram.—Translation.]

MEXICAN EMBASSY, *Washington, D. C.*
(Received February 26, 1912—2.45 p. m.)

I have received telegraphic instructions from my Government to beg of you, as I now have the honor to do, to be pleased to let me know what credit may be given to the press report recently published that American troops are leaving for El Paso with orders to cross into Mexican territory if shots are fired at the American side from Ciudad Juárez or any other place.

GILBERTO CRESPO Y MARTINEZ.

File No. 812.00/2888.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 26, 1912—3 p. m.

Last sentence of your February 24, 9 p. m.[1] Officially renew emphatic warning to the Mexican Government that there must positively be no firing into American territory.

HUNTINGTON WILSON.

File No. 812.00/2906.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 26, 1912—5 p. m.

Your February 25, 7 p. m. I learn at the Foreign Office that orders have been sent to the commander of the forces at Ciudad Juárez to engage the revolutionary forces at a point about 13 miles distant from the city, and under no circumstances to make a resistance in Ciudad Juárez. These instructions have also been communicated to the Mexican consul at El Paso.

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[1] See this telegram at pp. 725–726.

WILSON.

File No. 812.00/2903.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 26, 1912—6 p. m.

Upon inquiry by the Mexican Ambassador regarding accuracy of recent press reports published here stating that American troops are leaving for El Paso with orders to cross into Mexican territory if shots are fired into the American side from Ciudad Juárez or any other place, Department has replied that such reports are without foundation, no such orders having been issued, but that troops are being massed at El Paso as a deterrent to any such action by Mexican forces. You will inform the Foreign Office that the Department has emphasized the absolute necessity of Mexico's taking such action as will prevent a repetition of the untoward accidents happening at El Paso last year.

HUNTINGTON WILSON.

File No. 812.00/2905.

The American Ambassador to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 26, 1912—9 p. m.

Relative to the Ciudad Juárez situation and according to the information conveyed in my February 26, 5 p. m., I have sent a friendly but firm note to Minister for Foreign Affairs.

WILSON.

File No. 812.00/2912.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Ciudad Juárez (via El Paso, Tex.), February 26, 1912.

A communication received from Gen. Emilio Campa, commander of the insurrecto forces, to notify all foreigners in Cuidad Juárez to seek a place of safety, as his command will attack the city without delay.

EDWARDS.

File No. 812.00/2912.

The Acting Secretary of State to the American Consul at Ciudad Juárez.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 26, 1912—11 p. m.

You will immediately, informally, and unofficially advise Campa that under no circumstances must there be any firing into American territory, and admonish him that any violation of this warning will almost certainly lead to consequences which it is to the interest of all true Mexican patriots to avoid. You will impress upon Campa the very great seriousness of the situation and the much-to-be-deplored results which would follow his failure to heed this warning. You will convey a like message officially to the commanding officer of the Federal troops.

Huntington Wilson.

File No. 812.00/2912.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 26, 1912—11 p. m.

Consul at Ciudad Juárez advises Department of a communication from General Emilio Campa to notify all foreigners to seek a place of safety as his command will attack the city without delay. Immediately bring this matter to attention of both President Madero and Foreign Office. Refer to the matter in Department's February 26, 6 p. m., and say, with all possible seriousness and earnestness, as under express directions from the President, that it is absolutely necessary to prevent firing into American territory at El Paso; otherwise consequences which it is to the best interest of both countries to avoid will almost surely follow. Urge immediate telegraphic action by the Mexican Government. Renew suggestion that if Juárez is inadequately defended by Federal troops the Mexican Government may, in view of the peculiar situation existing and the possible eventualities, deem it best either that such troops shall make such defense as they contemplate outside of Juárez, and in a place that would not threaten the lives and property of American citizens on American territory, or possibly withdraw without making defense in immediate neighborhood.

Huntington Wilson.

File No. 812.00/2942.

The American Ambassador to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

American Embassy,
Mexico, February 27, 1912—5 p. m.

I sent notes this morning in the sense of the Department's February 26, 11 p. m., to the President and the Minister for Foreign Affairs.

Wilson.

File No. 812.00/2930.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Ciudad Juárez (via El Paso, Tex.), February 27, 1912.

Ciudad Juárez peacefully surrendered to-day to General Campa with 800 men. Good order prevails.

Edwards.

File No. 812.00/3040.

The American Ambassador to the Secretary of State.

No. 1285.]

American Embassy,
Mexico, February 28, 1912.

Sir: With reference to the Department's telegraphic instructions of February 25 and 26, relative to the situation at Ciudad Juárez, I have the honor to transmit herewith, for the information of the Department, copies of my correspondence with His Excellency the President of Mexico and with the Minister for Foreign Affairs on the subject.

I have [etc.],

Henry Lane Wilson.

[Inclosure 1.]

The American Ambassador to the Minister for Foreign Affairs.

No. 1876.]

American Embassy,
Mexico, February 26, 1912.

Mr. Minister: I am instructed by telegrams from my Government to convey a friendly warning to you of the dangerous situation which would result from any firing across the frontier line at Ciudad Juárez by either Federal or insurgent forces. My Government instructs me to say to your excellency that while fully cognizant of the abnormal and difficult situation which exists at Cuidad Juárez it can not, having due regard for the safety of the lives and property of its own citizens, permit a repetition of the intolerable incidents affecting these which occurred at Ciudad Juárez during the revolution against the Government of General Díaz. I am therefore instructed to urge upon the Mexican Government the utmost diligence in the performance of its international obligations at and in the neighborhood of Ciudad Juárez and at all other points of national contact.

I avail [etc.]

Henry Lane Wilson.

[Inclosure 2.]

The American Ambassador to the Minister for Foreign Affairs.

No. 1878.]

American Embassy,
Mexico, February 27, 1912.

Mr. Minister: I have the honor to refer to my note No. 1876 of yesterday, relative to the dangerous situation that would result from any firing across the frontier line at Ciudad Juárez by either Federal or insurgent forces, and to inform your excellency that I am instructed by my Government to bring to the attention of your excellency's Government the fact that the American Consul at Ciudad Juárez has been advised by the commander of the insurrecto forces to notify all foreigners to seek a place of safety, as his command will attack the city without delay. In this connection I am instructed to impress upon your excellency's Government with all possible seriousness and earnestness, as under express directions from the President, the absolute necessity that there be no firing into American territory at El Paso, as otherwise consequences which the Department to the best interests of both countries desire to avoid will almost surely follow. I am further instructed to suggest to your excellency that if Ciudad Juárez is inadequately defended by Federal troops your excellency's Government may, in view of the peculiar situation existing and the possible eventualities, deem it best either that such troops should make such defense as they contemplate outside of Ciudad Juárez, and in a place that would not threaten the lives and property of American citizens on American territory, or possibly withdraw without making a defense in the immediate neighborhood. My Government directs me, with reference to the above suggestion, to urge the necessity of immediate telegraphic action by your excellency's Government.

I avail [etc.]

HENRY LANE WILSON.

[Inclosure 3.]

The American Ambassador to the President of Mexico.

No. 2644.]

AMERICAN EMBASSY,
Mexico, February 27, 1912.

MY DEAR MR. PRESIDENT: Under express telegraphic instructions from the President of the United States, I have to advise Your Excellency that the American Consul at Ciudad Juárez informs the Department of State that he has received a communication from Gen. Emilio Campa, commander of the insurrecto forces near Ciudad Juárez, to notify all foreigners to seek a place of safety, as his comand will attack the city without delay. In view of this situation the President directs me to impress upon the Mexican Government with all possible seriousness and earnestness the absolute necessity that there be no firing into El Paso, as, in the event of such occurrence, consequences which the best interests of both countries desire to avoid will almost surely follow. It is suggested that as Ciudad Juárez is inadequately defended by Federal troops the Mexican Government may, in view of the peculiar situation existing and the possible eventualities, deem it best either that such troops should make such defense as they contemplate outside of Ciudad Juárez and in a place that would not threaten the lives and property of American citizens on American territory or possibly withdraw without making defense in the immediate neighborhood. In a note relative to this matter which I have just addressed to Mr. Calero I have urged immediate telegraphic action by the Mexican Government and I trust that Your Excellency will not deem me too urgent if I renew the suggestion to you. I advised my Government last evening of my interview with Mr. Calero during which he informed me that you had already taken action of the kind suggested herein. I am not certain whether this telegram had been received at the time of sending the telegram which is the motive for this note, but I have no other recourse under my instructions than to bring the matter to the attention of Your Excellency and again to the attention of Mr. Calero.

Believe me [etc.]

HENRY LANE WILSON.

File No. 812.00/4311.

The Secretary of State to the American Ambassador and to the American Consul at Ciudad Juárez.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 19, 1912—2 p. m.

The Governor of Texas informs War Department of indications that a Federal force, now approaching Ciudad Juárez, intends to recapture it. In that event bullets might pass across boundary and endanger American citizens on American soil. Bring this immediately to attention President Madero and Foreign Office. Very strongly urge instructions to attack so as to avoid firing across the line. If this risk can not be avoided during attack, suggest very urgently that attack be postponed until better opportunity to capture the city offers; do this as under specific instructions from the President. Suggest possibly equally effective siege operations.

KNOX.

File No. 812.00/4245.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, June 19, 1912—9 p. m.

Read a paraphrase of your June 19, 2 p. m., to Minister for Foreign Affairs and am also sending him an urgent note based thereon. He promised to communicate immediately with the Secretary of War and have the most urgent and explicit instructions sent to commanding officer in the sense of your telegram. Imperative to take Ciudad Juárez as soon as possible and he saw no way to avoid battle. He said a siege is impossible as the Government has not troops sufficient to surround city; unless American Government can cooperate by isolating it on American side, preventing entry of provisions and other supplies, siege would be ineffective. He thinks rebels will try to provoke American action by firing wilfully into American territory. He declared it was his most earnest desire to avoid repetition of unfortunate events of previous fighting at Juárez, not only because of claims and other annoyances, but also from realization of international obligations.

SCHUYLER.

File No. 812.00/4258.

AMERICAN EMBASSY,
Mexico, June 20, 1912—10 p. m.

I left a memorandum with the President this evening similar to my note to the Minister. The President explicitly said that no bullets would be allowed to penetrate American territory, and that if artillery is employed steps will be taken to prevent injury to Americans. He said a siege might be employed if the city is closed on the American side. The President, however, stated that no troops were advancing on or near Ciudad Juárez. Note the disagreement between the President's and the Minister's remarks.

SCHUYLER.

File No. 812.00/4251.

The American Consul at Ciudad Juárez to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Ciudad Juárez, June 20, 1912.

Department's June 19, 2 p. m. No Federal troops approaching Juárez. Governor of Texas probably misinformed. Mexican consul

El Paso assures me no movement contemplated at present for retaking Juárez. Personal observations confirm this.

EDWARDS.

File No. 812.00/4288.

The American Chargê d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, June 24, 1912—4 p. m.

I am officially informed that the Mexican Government will do its utmost to capture Ciuad Juárez without a battle, by starving it out if necessary, if the American Government will help by stopping entry of supplies. Unless otherwise instructed, I shall make no reply to this note.

SCHUYLER.

File No. 812.00/4322.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, June 28, 1912—6 p. m.

The President stated to me to-day that the Federal army would exercise the greatest care if an attack on Ciudad Juárez became necessary to avoid firing across the line, but hoped that our Government would cooperate in every way possible to terminate an abnormal situation, which must result from Federal inability to attack effectually. He added an expression of his deep appreciation of the friendship and patience which the President has displayed toward Mexico throughout the recent trying times.

WILSON.

File. No. 812.00/4884.

The American Consul at Nogales to the Secretary of State.

[Telegram.—Paraphrase.]

DOUGLAS, ARIZ., *September 12, 1912—6 p. m.*

Rebels appeared about 3 miles east of Aguaprieta, coming toward Aguaprieta. In view thereof the commanding officer of the United States troops stationed in Douglas stated verbally and personally to the commanding officer of the Federal troops in Aguaprieta that he must prevent bullets fired by the troops under his command from passing into the territory of the United States, and has sent a written message to the same effect by a civilian courier to the commanding officer of the threatening revolutionary forces.

DYE.

File No. 812.00/4877.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 12, 1912—8 p. m.

Consul Dye and agents of the Department of Justice report an attack by insurrectionists upon Aguaprieta is impending. The Vice Consul at Nogales reports a similar attack imminent upon that place also. If fighting occurs at either place bullets discharged in the contest may pass across the boundary line and endanger American citizens on American soil. The Department has accordingly requested the War Department to issue to the general in command along the Arizona border instructions similar to those issued to General Steever when an insurrectionist attack upon Ciudad Juarez seemed imminent in June last.[1] Immediately inform the Mexican Government of the situation at Aguaprieta and Nogales, and earnestly say that if either is attacked, Federal forces must be instructed to make their counter movements in such manner and from such position that no bullets can cross the line. You will also suggest that the insurrectionary forces be opposed at a point as far as possible from the boundary line.

HUNTINGTON WILSON.

File No. 812.00/4877.

The Acting Secretary of State to the American Consul at Nogales.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 12, 1912—8 p. m.

Aguaprieta matter; War Department requested to issue instructions similar to those issued to General Steever when an insurrectionist attack upon Ciudad Juarez seemed imminent in June last.[1] Consult

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[1] The instructions referred to are as follows (File No. 812.00/4264):

Adjutant General McCain to Colonel Steever, Fort Bliss, Texas.

[Telegrams.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 21, 1912.

Notify commanding officer of present garrison of Juárez to prevent firing into United States territory in case of engagement. You are authorized to make these instructions public in El Paso. Report conditions.

In case of sudden emergency you are authorized to move troops to threatened points on border for purpose of maintaining neutrality laws in accordance instructions previously sent you. Keep in touch with conditions at El Paso and keep this office informed of situation there and elsewhere on border within limits your command.

By order Secretary War:

MCCAIN, *Adjutant General.*

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 22, 1912.

Supplementing instructions sent you May 21, 1912, you will, in addition to notifying commanding officer of garrison at Juárez to prevent firing into United States territory in case of engagement, notify commanding officer or officers of any Mexican Federal detachment in vicinity of Juárez to prevent firing into United States territory in case of engagement. You are authorized to make these instructions public in El Paso. Acknowledge.

By order Secretary War:

MCCAIN, *Adjutant General.*

United States military authorities and if you are convinced that an attack by insurrectionists upon Aguaprieta is impending you are instructed immediately to inform all Mexican officials and insurrectionary leaders that any fighting that occurs must be conducted in such manner or from such positions that no bullets can cross the line; and that such fighting should be conducted as far from the boundary line as possible.

HUNTINGTON WILSON.

File No. 812.00/4895.

The American Consul at Douglas to the Secretary of State.

[Telegrams—Extracts.—Paraphrases.]

DOUGLAS, ARIZ., *September 12, 1912—12 midnight.*

My telegram, September 12, 6 p. m. About 8 o'clock a written reply to the note sent to the rebel leader was received, signed by Antonio Rojas, saying that in consideration of the note received and in order to avoid such damages, as well as those which might be caused to noncombatants, he would try to delay the attack upon Aguaprieta until receiving instructions from their headquarters.

DYE.

File No. 812.00/4911.

DOUGLAS, ARIZ., *September 13, 1912.—11 a. m.*

Mexican Federal commander at Aguaprieta informs me that rebels went south last night about 11 o'clock.

DYE.

File No. 812.00/4877.

The Acting Secretary of State to the American Consul at Douglas.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 13, 1912—3 p. m.

Vice Consul Bowman reports that it is feared insurrectionists will attack Nogales. If that seems likely communicate to him the substance of the Department's September 12, 8 p. m., to you, telling him to make the instructions therein applicable to himself and to the situation in Nogales in the same way that they are applicable to you and the situation at Aguaprieta.

HUNTINGTON WILSON.

File No. 812.00/4909.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, September 13, 1912—3 p. m.

In pursuance of Department's September 12, 8 p. m., I called upon Minister for Foreign Affairs this morning and made urgent representations relative to the unfortunate results which might follow at Aguaprieta and Nogales, should firing across the line not be prevented. He authorized me to telegraph the Department that immediate and energetic steps will be taken to prevent any such occurrences at either place. I left with him a clear memorandum on the subject and believe that the matter will be diligently attended to.

Wilson.

PERMISSION FOR MEXICAN TROOPS TO PASS OVER AMERICAN SOIL.

File No. 812.00/26.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, February 6, 1912—6 p. m.

I am requested by Foreign Minister Calero to ascertain whether or not the Washington Government would permit Mexican Government to pass 500 or 600 soldiers from Eagle Pass to Ciudad Juárez over the Southern Pacific Railroad, arms and equipment on separate train if necessary. I believe that such action would enable Mexican Government to deal successfully and permanently with situation in Ciudad Juárez.

Wilson.

File No. 812.2311/26.

The Secretary of State to the Governor of Texas.

[Telegram.]

Department of State,
Washington, February 7, 1912.

The Government of Mexico desires the permission of the Government of the United States for a force of five or six hundred soldiers to enter American territory at Eagle Pass, Texas, and to proceed to Ciudad Juárez over the Southern Pacific Railway. The Federal Government proposes to stipulate that the Mexican troops go unarmed, their arms and equipment being shipped as baggage, and will also cause a small detachment of American troops to accompany them on the train as an escort. Before the issuance of definite instructions, I have the honor to request that you telegraph me, in accordance with the customary formality, the assurance that this course will be entirely agreeable to the State of Texas.

KNOX.

File No. 812.2311/27.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEXAS, *February 7, 1912.*

Telegram this date asking formal approval on part of Texas State government for permission of Mexican troops to pass over Texas, Eagle Pass to El Paso, accompanied by United States troops, is not objected to.

O. B. COLQUITT.

File No. 812.2311/27.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, February 7, 1912.

SIR: I have the honor to inclose herewith a paraphrase of a telegram, dated February 6, 6 p. m., from the American Ambassador in Mexico City, in which he states that the Mexican Government desires permission to pass 500 or 600 soldiers from Eagle Pass to Ciudad Juárez over the Southern Pacific Railroad. The Ambassador states that he believes such action would enable the Government of Mexico to deal successfully and permanently with the situation at the latter place. I have also the honor to inclose a copy of a telegram, dated the 7th instant, addressed by me to the Governor of Texas, requesting him to advise me by telegraph, in accordance with the customary formality, of the assurance that the passage of these Mexican troops through the State of Texas will be entirely agreeable to him. A copy of his reply thereto is also inclosed.

The President directs that permission be granted for the passage of these troops over American territory, it being understood that the troops will be unarmed, their arms and ammunition being shipped as baggage. It has been deemed best that a small detachment of American troops accompany the train as an escort.

The Department has advised[1] the Secretary of the Treasury and the Secretary of Commerce and Labor of the action taken in this matter, with the request that they render such assistance as may be possible looking to the speedy transportation of these Mexican troops.

This information is furnished you in order that you may make the necessary arrangements in the premises.

I have [etc.]

P. C. KNOX.

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[1] The advice is, however, dated the 8th; see below.

File No. 812.2311/27.

The Secretary of State to the Secretaries of the Treasury and of Commerce and Labor.

[Identic telegram.]

DEPARTMENT OF STATE,
Washington, February 8, 1912.

The Government of Mexico on February 6, 1912, requested permission to transport a force of 500 or 600 troops from Eagle Pass, Texas, via the Southern Pacific Railroad to Ciudad Juárez, Mexico. After consulting with the Governor of Texas, the Department of State on February 8 advised the Mexican Government, through the American Embassy at Mexico City, of its consent to the transportation of the troops as requested, with the understanding that such troops should traverse American territory unarmed, their arms being sent as baggage. As this movement of troops is designed to secure, among other things, the adequate protection of American life and property in the vicinity of Ciudad Juárez, the Department would appreciate your rendering such assistance looking to the speedy transportation of the troops as it may be possible for you to extend.

KNOX.

File No. 812.2311/27.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 8, 1912—11 a. m.

Regarding transport of troops, as per your February 6, 6 p. m Permission has been granted for troops mentioned to go from Eagle Pass to Ciudad Juárez via the Southern Pacific Railroad, with the understanding that such troops shall traverse American territory unarmed, their arms and ammunition being sent as baggage, and with a small detachment of American troops to accompany them on the train as an escort. Appropriate authorities have been advised. You may communicate the foregoing to the Minister for Foreign Affairs.

KNOX.

File No. 812.2311/31.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEXAS, *February 9, 1912.*

I am just in receipt of the following telegram protesting against allowing a regiment of Mexican troops to pass over Texas soil from Eagle Pass to El Paso:

> Reported regiment of Mexican troops will come through Texas tomorrow to fight rebels in Chihuahua. Dangerous precedent, calculated inspire much resentment against Texas in Mexico and may lead to grave eventualities. You

should protest in name of people of border against such action. Let Mexico handle troops on Mexico soil. Texas not fighting Mexico's battles. It is positively a disgrace that Texas and American soil should be trodden by foreign soldiers engaged in a civil war in neighboring country.

If this is purpose of moving troops through Texas I withdraw my consent for them to pass through Texas.

O. B. Colquitt.

File No. 812.2311/31.

The Secretary of State to the Governor of Texas.

[Telegram.]

Department of State,
Washington, February 9, 1912.

In reply to your telegram of to-day, I have the honor to inform you that this Department does not understand and did not understand that the Mexican troops for the passage of whom over American soil through Texas permission has been accorded to the Government of Mexico are to be engaged in general hostilities in the State of Chihuahua, but were to be used merely for the purpose of preserving order in Ciudad Juárez. The Department has no information to the contrary similar to that conveyed to you. Had the Department supposed that these troops were to be used for general hostilities, permission to allow them to cross American soil would have been refused, as it was refused during the Madero revolt. On learning that the passage of these troops over Texan soil would be agreeable to you, this Government issued instructions to its Ambassador at Mexico City to inform the Mexican Government that permission for these troops to go from Eagle Pass to Ciudad Juárez via the Southern Pacific Railroad had been granted. Unless the Government of Mexico will stipulate that these troops are not to be used in general hostilities this Government will, in accordance with its practice, withdraw the permission granted to the Government of Mexico to transport them over American territory.

Knox.

File No. 812.2311/31.

The Secretary of State to the American Ambassador.

[Telegram.—Extract.—Paraphrase.]

Department of State,
Washington, February 9, 1912—7 p. m.

The following telegram has been sent to the Governor of Texas: (See supra.)

Accordingly you will immediately cancel the permission, pending further instructions, to be based on your report as to a stipulation that the troops will be used exclusively to preserve order at Juárez.

Knox.

File No. 812.2311/31.

The Secretary of State to the Secretaries of the Treasury, of Commerce and Labor, and of War.

[Identic telegram.]

Department of State,
Washington, February 10, 1912.

This Department's telegram of the 8th instant. The Governor of Texas has been informed that the Mexican troops in question are to be used for general hostilities in the State of Chihuahua and has accordingly seen fit to withdraw his consent to their passage over Texan territory, and has so informed this Department. I must consequently cancel my request that your Department render assistance in the matter and say instead that I will appreciate it if you will promptly cancel any orders that have already been given and see that nothing further is done.

P. C. Knox.

File No. 812.2311/34.

The Governor of Texas to the Secretary of State.

[Telegram.]

Austin, Texas, *February 10, 1912.*

Your telegram [of February 9] received. Am advised that railroad communication between Juárez and Chihuahua is open, but south of Chihuahua the railroad is in hands of revolting party.

If Mexican troops pass through Texas from Eagle Pass to Juárez, is there any assurance that they will not be met with armed resistance in attempting to enter Juárez from Texas?

O. B. Colquitt.

File No. 812.2311/35.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, February 11—11 p. m.

My telegram of February 6, 6 p. m., and your February 9. Considering the embarrassment with reference to the passage of the troops, the Mexican Government states that it will forego availing itself of the permission granted by the United States. Acting upon the authority granted in the Department's telegram February 8, 11 a. m., Mexican Government had submitted a request to the Mexican Senate to be permitted to transport troops out of Mexico territory. Mexican Government deems it inadvisable to withdraw from the Senate this request. The action taken will have no significance, but circumstances may arise under which Mexican Government will renew its request.

Wilson.

File No. 812.2311/35.

The Acting Secretary of State to the Governor of Texas.

[Telegram.]

Department of State,
Washington, February 13, 1911.

Your telegram of the 10th instant. Department informed by Embassy at Mexico City that Mexican Government does not just now desire to ask for permission to move troops over United States territory.

Huntington Wilson.

File No. 812.2311/42.

The Secretary of State to the President.

Department of State,
Washington, April 27, 1912.

My Dear Mr. President. I have the honor to acknowledge the receipt of your letters of the 22d[1] and 23d[1] instant relative to a letter from Mr. Sidney Austin Witherbee on the subject of granting to the Mexican Government permission to move Mexican troops across United States territory, and of your previous letter of the 18th[1] instant directing me to comment upon the advisability of such action.

Mr. Witherbee called at the Department on April 23, and upon rereading the letter he had written to you said that it gave a somewhat incorrect impression as to the idea he wished to convey. He said that at the time he wrote it newspaper reports to the effect that this Government would intervene in Mexico were so insistent that he thought such action imminent, and that, such being the case, he greatly preferred permitting the Madero Government to pass troops over United States territory to sending United States troops into Mexico.

If such an alternative were forced upon this Government, this Department would be inclined to express a preference similar to Mr. Witherbee's. Mr. Witherbee agrees with the Department, however, that until conditions grow so bad that this Government is compelled to intervene or to take other action to effectually remedy them—a very remote contingency—it would be unwise to allow Mexican troops to pass over United States territory, primarily, on account of the appearance such action would have that this Government was taking sides with the Madero Government as against the insurrectionists, and the consequent reprisals this apparent favoritism might cause insurrectionists to make upon American citizens resident in territory under rebel control.

This is the chief objection perceived by the Department to acting upon the suggestion contained in Mr. Witherbee's letter as it stands; but another objection, possibly of equal force, would be that the granting of this permission would precipitate further fighting along the boundary, and almost certainly bring about a dangerous situation and such an incident as the deplorable occurrence at Agua Prieta and Douglas of last year and that which threatened at El Paso in the early part of February last.

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[1] Not printed.

Still another objection is found in the attitude of the Governor and people of Texas as exhibited early in the present year when a request for permission for Mexican troops to pass across a part of the State of Texas was presented to this Government by the Mexican Embassy. It will be recalled that at that time the Governor of Texas, in response to the Department's inquiry, stated that there was no objection on the part of the State of Texas to granting permission for the troops to cross Texan soil, but that shortly thereafter the Governor telegraphed that as he had learned that these troops were intended for the purpose of giving battle to the rebellious forces near the Texas border the Governor felt compelled to withdraw his permission, as such action was contrary to the wishes of the people of Texas.

I may also say that as the Embassy at Mexico City has been instructed to intimate to the Mexican Government that this Government would much prefer that no request to move troops across United States territory should be made, it would appear to be inadvisable for this Government to raise the question on account of the objections to granting such permission as above stated, and because it might encourage the Mexican Government to renew its request of last February, which, again, for the reasons above stated, it would be embarrassing for this Government to have to deal with.

I have [etc.]

P. C. Knox.

NOTE.—With his dispatch No. 1643[1] dated September 6, 1912, the American Ambassador transmitted to the Department a copy of the note that he had sent to the Mexican Minister for Foreign Affairs, September 3, 1912, in compliance with the Department's telegraphic instruction of September 2, 1 p. m.[2] The note requested a general increase in the activity of the Mexican Federal troops and the establishment of additional garrisons along the border, where the chaotic conditions were causing the Government of the United States great anxiety, and then added:

> In thus advising your excellency of the deep apprehension entertained by my Government relative to the situation on the border and in conveying to your excellency the expression of its opinion relative to the military dispositions necessary to in some measure guarantee protection to life and property, I am directed also to say that my Government will favorably consider a request from your excellency's Government to permit the passage of Mexican troops, designed for the immediate establishment of these garrisons, across the territory of the United States.

In his reply,[3] September 5, to this note the Mexican Minister for Foreign Affairs responded to the above-quoted sentence as follows:

> By express direction of the President I beg to express to your excellency the most sincere thanks of the Mexican Government for the favorable reception on the part of your excellency's Government which would be given to a request on the part of my Government that our troops might pass over the territory of

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[1] See pp. 836–837.
[2] See p. 833.
[3] See p. 837.

the United States for the purpose of establishing garrisons at certain points, a request which is not made, because the Constitution empowers only the Senate to permit the passage of troops outside of the national territory. The Senate is not now in session and its convocation in special session would be a cause for alarm that should be avoided; but my Government believes that the sending of the troops referred to above will bring safety to the region in the north that has been threatened with disturbances.

The Minister's formal reply to the Ambassador's note was accompanied by an informal letter (see p. 837), in part as follows:

Although it appears from the official note that I have to-day addressed to your excellency that a request for the passage of troops over American territory will not be made, the President has thought it proper to solicit this authorization in order to demonstrate once more the interest that he takes in the protection of the lives and properties of Americans, and to this end he has given orders for the convocation of the Senate in extraordinary session.

File No. 812.2311/53a.

The Acting Secretary of State to the Governor of Arizona.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 7, 1912.

The Mexican Embassy has informed the Department of State that the President of Mexico has convoked an extraordinary session of the Mexican Congress in order to secure authorization for requesting permission from the Government of the United States to transport Mexican Federal troops from Ciudad Juárez to points in the State of Sonora to cope with the situation in that State where American life and property are in serious danger from the operations of Mexican revolutionary bands. Before the issuance of definite instructions, in the event that the Mexican Government requests permission to transport its troops through United States territory for the purpose mentioned, I have the honor to request that you telegraph me, in accordance with the customary formality, the assurance that this course will be entirely agreeable to the State of Arizona.

ALVEY A. ADEE.

[*Mutatis mutandis* to the Governors of Texas and New Mexico.]

File No. 812.2311/52.

The Governor of Arizona to the Secretary of State.

[Telegram.—Extract.]

PHOENIX, ARIZ., *September 7, 1912.*

In compliance with the request conveyed to me through your telegram of to-day I have the honor to assure you that the State of Arizona readily assents to the transporting of Mexican Federal troops from Ciudad Juárez through United States territory to points in the State of Sonora where American lives and property are being endangered by the operation of Mexican revolutionary bands.

GEO. W. P. HUNT.

File No. 812.2311/51.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEX., *September 7, 1912.*

Have no objections to movement of Mexican troops through Texas territory as requested, with proper safeguards.

O. B. COLQUITT.

File No. 812.2311/55.

The Governor of New Mexico to the Secretary of State.

[Telegram.]

SANTA FÉ, N. MEX., *September 9, 1912.*

Replying to your telegram. It will be entirely agreeable to the State of New Mexico to have Mexican troops pass through our State under such regulations as may be imposed by the United States Government.

WILLIAM C. McDONALD.

File No. 812.2311/53.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 10, 1912—12 noon.

Referring to last part of Department's September 2, 1 p. m.

Inform the Minister for Foreign Affairs that in compliance with request of Mexican Embassy here, permission is hereby granted for from 1,000 to 1,200 troops to go from Ciudad Juárez via the Southern Pacific Railroad to the State of Sonora with the understanding that such troops shall traverse American territory unarmed, their arms and ammunition being sent as baggage, and with a small detachment of American troops to accompany them on the train as an escort. Appropriate authorities have been informed. Request the Minister for Foreign Affairs at once to inform the Department of the point of entry of the troops into Sonora and what persons at Ciudad Juárez will be authorized to make the necessary arrangements for the entraining of the troops, so that authorities of the War, Treasury, Commerce and Labor, and Justice Departments may be appropriately instructed.

HUNTINGTON WILSON.

File No. 812.00/4932.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 19, 1912—7 p. m.

Regarding situation at El Tigre and Aguaprieta and northern Sonora. Represent to the Mexican Government that while this

Government would not assume to direct the military movements of Mexican troops, the Mexican Government undoubtedly realizes that the action of this Government in permitting Mexican Federal troops to pass over United States territory was taken primarily to aid the Mexican Government in its efforts to protect endangered American lives and interests in northern Sonora and say that the failure of the Federal troops to move against bands of insurrectionists (even when urged to do so by the American Consul and the Americans directly affected) upon occasions when they could manifestly do so with every prospect of defeating them and successfully terminating their disastrous activity leaves this Government in some bewilderment. Say also that the Department is loath to make these observations, but is compelled to do so in view of the numerous reports both from private persons and consular officers.

HUNTINGTON WILSON.

File No. 812.2311.

The Acting Secretary of State to the Governor of Texas.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 28, 1912.

The Government of Mexico desires the permission of the Government of the United States for a brigade of Mexican Federal troops, under the command of General Blanquet, to enter American territory from Piedras Negras, Coahuila, in order to proceed by rail to Del Rio and Marathon, whence they will reenter Mexico. This Government proposes to stipulate that the Mexican troops go unarmed, their arms being shipped as baggage, and will also cause a small detachment of American troops to accompany them on the train as an escort. Before the issuance of definite instructions, I have the honor to request that you telegraph me, in accordance with the customary formality, the assurance that this course will be entirely agreeable to the State of Texas.

ALVEY A. ADEE.

File No. 812.2311/68.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEX., *September 28, 1912.*

Your telegram asking the consent of the Governor of Texas for a brigade of Mexican Federal troops to enter Texas from Piedras Negras, Coahuila, and proceed to Del Rio and Marathon is received. Under the escort and regulations mentioned by you I have no objection, but we will send rangers to escort them also.

O. B. COLQUITT.

File No. 812.2311/75.

The Acting Secretary of State to the Mexican Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, September 29, 1912.

SIR: I have the honor to inform you, in response to the request of the Mexican Government, as embodied in your note numbered 118,[1] of the 26th instant, that General Blanquet, of the Mexican army, with a brigade of Mexican Federal soldiers, be permitted to pass by rail from Piedras Negras, Coahuila, across American territory to Del Rio, Tex., and Marathon, Tex., for the purpose of reentering Mexican territory from these latter places to operate against insurrectionary bands in the mountains of northern Coahuila, that permission is hereby granted for the transportation of these troops by the route above mentioned, with the understanding that such troops shall traverse American territory unarmed, their arms and ammunition being sent as baggage, and with a small detachment of American troops to accompany them on the train as an escort.

Accept, etc.,

HUNTINGTON WILSON.

File No. 812.2311/68.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 30, 1912—12 noon.

In compliance with the request of the Mexican Embassy here permission is hereby granted for a brigade of Mexican Federal troops to proceed from Piedras Negras, Coahuila, by rail to Del Rio and Marathon, Tex., at which points they will reenter Mexican territory with the understanding that such troops shall traverse American territory unarmed, their arms and ammunition being sent as baggage and with a small detachment of American troops to accompany them on the train as an escort. Inform the Minister for Foreign Affairs and add that appropriate American authorities have been properly instructed.

HUNTINGTON WILSON.

File No. 812.2311/69.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 30, 1912—12 midnight.

If you have not yet made the final answer of this Government to the request of the Mexican Government to have further troops traverse American territory you will hold it in abeyance; if already made, you will withdraw it for the present. Meanwhile, for your information and guidance, I quote the following telegram from the Governor of Texas:

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[1] Not printed.

> Referring to your telegram of Saturday and reply concerning the movement of Mexican troops through Texas from Eagle Pass to Del Rio and Marathon. My adjutant general calls attention to the fact that it will be a 75-mile march over rough territory from Marathon, where it seems to be the purpose to detrain Mexican troops to go to Mexican border. I desire to withdraw my consent for the passage of these troops through Texas until I am more fully advised with reference to their movement. This march of 75 miles through the territory referred to will invite difficulties which I do not wish to occur in Texas.

To which I have telegraphed in reply as follows:

> Difficulties mentioned in your telegram could be obviated by having troops detrain at Del Rio. Since Mexican Government has already been informed permission granted, the Department will instruct Embassy to lay substance of your telegram before Mexican Government and suggest that troops could be detrained only at Del Rio, which is near the border. The Department feels that in view of the action already taken with your acquiescence it should have your cooperation in making feasible the plan above suggested, and I hope that you will be good enough to inform me by telegraph, in accordance with the usual formality, that the passage of these troops over United States territory will be agreeable to the State of Texas. Meanwhile, permission has been suspended.

HUNTINGTON WILSON.

File No. 812.2311/71.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEXAS.
(Received October 1, 1912—1.15 p. m.)

Your telegram this date answering mine of yesterday in which I withdraw consent for passing Mexican troops over Texas territory received. If Mexican Government will amend request so as to eliminate Marathon and detrain Mexican troops at Del Rio, I will have no objection to urge, but after reflection I could not give consent to detraining Mexican troops at Marathon and marching them over rough, dry country 75 miles and invite a conflict from Orozco's men, who, according to my advices, are now operating across the Rio Grande River in Mexico from the Marathon section of Texas. It would be like inviting a slaughter of unarmed foreign troops on Texas soil. I am pleased to note your suspension of permission for Mexican troops to pass through Texas on receipt of my objections. The objection will be withdrawn if the application is amended as suggested.

O. B. COLQUITT.

File No. 812.2311/71.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 4, 1912—1 p. m.

Governor Colquitt of Texas, in a telegram received October 1, 1.15 p. m., replies to Department's September 30, as follows:

[Telegram quoted.]

You may bring the Governor's suggested amendment of the Mexican Government's request to the attention of the Minister for Foreign

Affairs, unless you think it necessary for the Mexican Government to make the next move, in view of representations you have already made.

HUNTINGTON WILSON.

File No. 812.2311/77.

The American Ambassador to the Secretary of State.

No. 1727.]

AMERICAN EMBASSY,
Mexico, October 9, 1912.

SIR: With reference to the Department's telegraphic instruction of October 4, 1 p. m., relative to the passage of Mexican Federal troops across United States territory, I have the honor to transmit herewith a copy of a memorandum prepared by Mr. O'Shaughnessy, of the Embassy, reporting his interview with the Minister for Foreign Affairs relative to the matter.

I have [etc.]

HENRY LANE WILSON.

[Inclosure.]

Memorandum regarding the passage of troops through the territory of the United States.

Pursuant to the Ambassador's verbal instructions, Mr. O'Shaughnessy gave to the Minister for Foreign Affairs a paraphrase of the Department's telegram of October 4, 1 p. m., regarding the passage of troops through the territory of the United States.

Mr. Lascurain read the paraphrase with great interest, and said that the Mexican Government would be only too glad to accept the courtesy of the United States and of the Governor of Texas, but that other arrangements for the transportation of troops had already been made by the War Department.

He requested Mr. O'Shaughnessy to thank the Ambassador for his friendly action in the matter, and to assure him of the Mexican Government's appreciation thereof. He noted the optional clause in the end of the telegram.

NELSON O'SHAUGHNESSY.

MEXICO, *October 5, 1912.*

CLOSURE OF THE PORT OF VERA CRUZ.

File No. 812.00/5424.

The Commodore of the Mexican Fleet and the Chief of the Port of Vera Cruz to the American Consul at Vera Cruz.

[Translation.]

UNITED MEXICAN STATES,
GUNBOAT "MORELOS,"
COMMANDERY OF THE FLEET,
Vera Cruz, October 19, 1912.

We have the honor to inform you that on sighting the American S. S. *Seguranza* to-day, the undersigned being aboard the *Morelos*, flagship of Commodore Manual Azueta, chief of the flotilla in this port, the tug *Tulun* was ordered to go out to communicate to the captain of the *Seguranza* that the Federal Government had closed the port of Vera Cruz in virtue of the fort being occupied by rebel forces which do not recognize the Constitutional Government of the nation; which proceeding is based on Article VI of the general customhouse regulations.

The captain responded that he had to consult with you, as Consul of his Nation, and continued to Pier No. 4 of the terminal company, where he moored, awaiting the visit of the sanitary officials.

As munitions of war for our Government may have come in this steamship, we notify you that under no considerations should she discharge cargo in this port, which is closed for unloading and loading cargo.

In addition, in view of the exceptional conditions of which you are well aware, she should stay as short a time as possible in this port in order to avoid any accidental harm which might be a motive for claims and differences which would moderate the cordial relations which at present exist between the two Governments.

You will please accept [etc.]

The Commodore of the Fleet,
MANUEL AZUETA.

The Administrator of the Customhouse, Chief of the Port,
M. AZCARRAGA.

File No. 812.00/5424.

The American Consul to the Commodore.

[Translation.]

AMERICAN CONSULATE,
Vera Cruz, October 20, 1912.

I am advised by your note of yesterday that the Federal Government has ordered the closing of the port of Vera Cruz. I take the liberty to make it known that this is the first notice of the fact which I have received.

I also note the action which you took, without the knowledge of this Consulate, in reference to the entrance of the merchant steamer *Seguranza*.

I have ordered a copy of the before-mentioned communication sent to the Department of State of the Government of the United States, to the Ambassador of the same country in Mexico, and to the captain of the *Seguranza*.

I am, etc.,

WM. W. CANADA.

File No. 612.1123/5.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 23, 1912—1 p. m.

Consul at Vera Cruz has received a communication from the commandery of the fleet and late collector of customs stating: (1) That they had sent tug to meet American steamer *Seguranza* to notify the master that the port was closed by order of the Federal Government, as provided by section 6 of customs regulations, but that master insisted upon entering to consult with consul; (2) that war material might be among the cargo of the *Seguranza*, which under no circumstances should be unloaded, as port is closed to all legal transactions of loading and unloading; (3) that on account of the existing conditions said steamer should remain a very short time, so as to avoid exposure to possible accidental damage, which might give rise to claims, thereby straining the existing friendly relations.

You will inform the Mexican Government that the Department understands that insurrectionary forces have taken and are now in possession of Vera Cruz. With reference to the closure by mere executive or legislative act of Mexican ports held by insurgents, you will communicate to the Foreign Office the following as the position of the United States:

> As a general principle a decree by a sovereign power closing to neutral commerce ports held by its enemies, whether foreign or domestic, can have no international validity and no extraterritorial effect in the direction of imposing any obligation upon the governments of neutral powers to recognize it or to contribute toward its enforcement by any domestic action on their part. If the sovereign decreeing such a closure have a naval force sufficient to maintain an effective blockade and if he duly proclaim and maintain such a blockade, then he may seize, subject to the adjudication of a prize court, vessels which may attempt to run the blockade. But his decree or acts closing ports which are held adversely to him are by themselves entitled to no international respect.[1] The Government of the United States must therefore regard as utterly nugatory such decrees or acts closing ports which the United States of Mexico do not possess, unless such proclamations are enforced by an effective blockade.

HUNTINGTON WILSON.

File No. 612.1123/7.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, October 24, 1912—12 noon.

Now that the insurrection has collapsed, do you still wish me to communicate to the Mexican Government the position of the United States regarding closure ports in accordance with instructions in your October 23, 1 p. m.?

SCHUYLER.

File No. 612.1123/5.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 26, 1912—4 p. m.

Department's telegram October 23, 1 p. m., your October 24, 12 noon. The Department desires you to communicate to the Mexican Government the position of the United States regarding the closure of the ports as instructed in the Department's said telegram, explaining that the telegram was sent prior to the receipt of news of the recapture of Vera Cruz.

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[1] For another application of this rule, relating to the routing of mails, see Political Affairs, the letter of the Acting Secretary of State to the Mexican Ambassador dated March 4, 1912, p. 786.

HUNTINGTON WILSON.

File No. 612.1123/10.

The American Chargé d'Affaires to the Secretary of State.

No. 1772.]

AMERICAN EMBASSY,
Mexico, November 8, 1912.

SIR: With reference to the Department's telegraphic instruction of October 23, 1 p. m., relative to the closure of ports of Mexico by executive or legislative order, I have the honor to report that I have received a note from the Mexican Foreign Office which states to the effect that in view of the fact that the conditions at the port of Vera Cruz are now changed, the Foreign Office believes that the matter may be considered as terminated.

I have [etc.] MONTGOMERY SCHUYLER.

DISPLAY OF THE AMERICAN FLAG BY AMERICAN CONSULAR OFFICERS IN MEXICO.

File No. 812.0151/1.

The Secretary of State to the Mexican Ambassador.

No. 33.]

DEPARTMENT OF STATE,
Washington, June 21, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of note No. 1240 dated March 30,[1] from your excellency's predecessor setting forth the views of your excellency's Government relative to the rights of a consul in Mexico to display the flag of his nation, and requesting that the American Consul at Ensenada be instructed not to display unduly the American flag over the consular premises at that place.

In reply I am constrained to say that this request has been received with surprise, and that this Department is at a loss to understand, in view of the numerous proofs of friendship that have recently been shown to the Government of Mexico by this Government why the jefe político of northern Lower California should perceive any objection to the display of the American flag above the Consulate at Ensenada, especially under the conditions prevailing in Mexico at the present time.

Concerning the flying of the national flag as a question of right, the Department, after very careful consideration, feels quite sure that a reexamination of the authorities upon international law by the proper Mexican officers will convince your excellency's Government that the display by a consul of the flag of his country is a thing which may be properly claimed as a right under international law and that the Mexican Government, by its practice in permitting the consul to display the flag on the national holiday of his country, and the legal adviser of the Mexican Foreign Office in the present instance by so recommending, appear to recognize this, notwithstanding the Mexican municipal law of 1859 cited by your excellency, which provides that commercial agents residing in Mexico may display the flags of their countries only when the town where they reside is besieged, or when a riot or sedition breaks out therein.

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[1] Not printed.

This Department is aware that the extent to which the right to display the flag can be exercised is variously stated; that some authorities limit it to solemn occasions and some to national holidays, while others merely state the right without limiting it. But since the reason for displaying the flag above the consular premises as recognized in international law is, as expressed in the consular treaties of the United States with other countries, "in order that the consular office or dwelling may be easily and generally known for the convenience of those who may have resort to them," it would seem that the flag of the consul's nation might be displayed at all times and not merely on certain holidays. And indeed this is the course that has been followed by American consuls at various places throughout the world, who, basing their action upon this ground, do now, as they have done in the past, daily display the national flag. This is likewise, it would appear, the practice of other nations.

Notwithstanding what has been said, and thinking that possibly some special reason growing out of local conditions might have induced the jefe político of northern Lower California to raise this question with particular reference to the American Consulate at Ensenada, this Department directed the consul there to make a report upon the matter. It learns from him that when he first arrived at Ensenada conditions throughout northern Lower California were such as to make it highly desirable to display the American flag daily, and that nothing has since occurred to suggest the advisability of discontinuing the practice. The consul also remarks in effect that while so far as he knows the display of the flag may probably, under the provisions of Mexican legislation, be contingent upon the acquiescence of the local municipal authorities, yet he adds that since no objection to the appearance of the flag over the consulate, from either official or private sources, has ever come to his knowledge, there was no apparent reason why even under such law he should cease to display it. With this statement in evidence this Department must express its inability to understand why any exception should have been taken to the consul's course, and I have the honor to say that the Government of the United States, in view of all that has been stated above, of the fact that the Consul at Ensenada in displaying the American flag has no other object than to identify the consular premises, and of the additional fact that such action may not, it would seem, be properly construed as offensive in any way to the Mexican Government, trusts that no necessity will be perceived for reiterating the request made in the note under acknowledgment.

I have the honor therefore to request that your excellency will be good enough to communicate the foregoing to the Mexican Government and to say that this Government regrets that it should have been thought necessary, and especially at the present time, to make this subject one for official representations, and hopes that in view of the long and sincere friendship uniting the Governments of Mexico and the United States the former Government will see fit fully to recognize the rules and principles of international law governing this matter and to refrain from insisting upon a strict compliance by American consuls with the provisions of the Mexican law of 1859 with regard to the matter, thus permitting them to display the American flag in such manner and at such times as their discretion dictates, unless in particular cases some good reason exists and can be shown why this should not be done.

Accept [etc.] P. C. Knox.

PRESENTATION OF A STATUE OF GEORGE WASHINGTON TO MEXICO BY AMERICAN CITIZENS RESIDING IN MEXICO.[1]

File No. 812,413 W27.

The American Ambassador to the Secretary of State.

No. 1274.]

American Embassy,
Mexico, February 24, 1912.

Sir: I have the honor to inclose to the Department clippings from the Mexican Herald of yesterday, describing the exercises in connection with the presentation, on February 22, by Americans in this Republic, of a statue of George Washington as a gift to the Mexican people.

I have [etc.]. Henry Lane Wilson.

[Inclosure.]

From the Mexican Herald of February 23, 1912.

Several thousand people assembled yesterday morning at 11 o'clock in Plaza Dinamarca to witness the unveiling of the Washington statue which was presented to Mexico by the American residents in the Republic at the centennial last year.

The statue is of bronze. It is eleven feet high and rests on a base of marble of the same height. The figure, face and pose of the great American are dignified and noble and the statue adds much beauty to the glorieta, which is surrounded by handsome buildings.

A large platform in front of the statue was occupied by President Madero, his staff, the members of the cabinet, the diplomatic corps, and many unofficial Mexicans and Americans, both men and women.

C. R. Hudson, vice president of the monument committee, spoke as follows:

"Many of you will recall that during the celebration held in this city in commemoration of the first centennial of the Independence of Mexico, we met on these grounds and dedicated the site of this glorieta to the statue of Washington, which was to be the gift of the citizens of the United States residing in this Republic, to the Mexican nation and people in honor of the centennial.

"It is with great pride that we meet to-day to fulfill the promise then made, and to present our gift now to the nation. Owing to unavoidable delays, and our wish to have these ceremonies on the birthday of Washington, we were not able to have the grounds completed and embellished, but that will follow immediately.

"Monuments to Washington exist in many Latin-American republics, and the selection of a statue of this great character as a gift to the Mexican nation seems particularly appropriate. In Latin-American hearts Washington is classed with Bolívar and Hidalgo, two of their own greatest heroes. He is dear to citizens of all countries under an elective form of government. He belongs to them all, and no doubt his career was an inspiration to all leaders in the establishment of American republics."

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[1] In connection with the celebration in 1910 of the First Centennial of Mexican Independence. See For. Rel. 1910, p. 712.

ADDRESS OF AMBASSADOR HENRY LANE WILSON.

"One hundred and eighty years after the birth of George Washington in Westmoreland County, Virginia, the American colony in this Republic offers his plastic portrait carved in Mexican stone and American bronze to the Mexican people as a testimonial of their respect and fraternal affection. On the day when this great patriot first opened his eyes on the world the vast empire now known as the United States of America was a part of the monarchy of Great Britain, and Mexico with its great mineral and agricultural wealth, was still sleeping in the traditions of the Middle Ages under the monarchy of Spain. To-day both are powerful Republics cherishing the memory of the lands from whose loins they sprang, but united in maintaining upon this hemisphere the theory and practice of constitutional democracy.

"These two Republics have been at peace for more than half a century and during all that time the currents of a constantly increasing volume of commerce, immigration, and vast mutual interests have been bringing them more and more into intimate and cordial association. Nor can the eye of the prophet or the vision of the seer see aught in the horizon of the future portending the lessening of those cordial relations which the dictates of sound statesmanship, as well as the imperative considerations of mutual interest teach us are vitally essential to the peaceful progress and development of both countries.

"There is the difference of race; but while race pride and traditions are ennobling and useful, racial unity beyond national frontiers politically counts for little in an intensely utilitarian age, when political alliances and friendships spring from considerations of practical self-interest and the necessities of the hour rather than from the dreams of the past.

"No race is so great or perfect that it may not learn much to its advantage from other races and no race is so enthroned in its own virtues that it may not borrow something of the divine spark from races whose traditions, history and ideals are far asunder. The Mexican and American nations are Christian and republican nations, and while possibly pursuing different roads, are both animated by the same idea of elevating man and the happiness of the people. They should, therefore, be friends, as they are neighbors, putting aside the appeal of the demagogue and the singer of evil songs, and lend themselves unitedly to the peaceful development of this hemisphere.

"No fitter representative of this idea has ever lived than the great American patriot, George Washington. A warrior, he loved peace; an aristocrat, he loved the people; nourished in the lap of luxury, he devoted his life and fortune to the cause of the oppressed and poor; self-centered in his Americanism, the great central idea of his policy as enunciated by Alexander Hamilton was the maintenance and extension of the democratic idea throughout this hemisphere.

"The United States has produced many great men whose names have been written large upon the scrolls of history, but none greater than Washington, none in whom the fires of patriotism burned purer or higher, none who has left a memory more enshrouded in love and admiration among his fellow countrymen, the Latin-Americans of this hemisphere and the people of the world. Therefore, no worthier subject could so eloquently express the purpose of the American colony in Mexico, in presenting this statue of the great commoner who was first in war, first in peace, and first in the hearts of his countrymen, to the Mexican people.

"Mr. President: In the name of the American colony in this Republic and as an offering of peace, good will, and friendship, I present this statue of George Washington, through Your Excellency, to the Mexican people."

ADDRESS OF PRESIDENT MADERO.

"Great men should have statues erected to their memory in every land, for these statues serve to recall vividly the virtues of the heroes of nations, and at the same time are a means of paying homage to the services rendered to humanity by the great men of the ages, whose work should never be restricted to the confines of one nation, but should be extended throughout the world to benefit all nations and peoples.

"For this reason men who have distinguished themselves in the fields of science, art, or politics should be considered as citizens of the world. All the world has been benefited by the discoveries of Volta, Edison, Marconi, Fulton and Watts, who gave the world the wonders of steam and electricity.

"So such men as George Washington, who brought freedom to their nations, are known throughout the entire world. The labor of Washington was one of the factors which caused France to seek and claim her freedom, radiating afterwards to all the world, illuminating the minds of our own Hidalgo, Allende, Morelos and other patriots.

"For this reason the American colony resident in Mexico could not, on the occasion of the centennial of our independence, have chosen a gift which would be more highly esteemed, for the noble figure of Washington is loved by all who love liberty and admired by all who regard the grand and the beautiful.

"This admiration for just and great men which is common to both our nations is the best testimony to the similarity of ideas which inspire us, and, for this reason, of the union which should continually strengthen and guide our relations. In the commercial world the interchange of products is beneficial to both nations (for which reason it increases) and the similarity of ideals will lead us toward the same end, that of attaining greatness through liberty and justice.

"The Mexican people appreciate to the higest degree this gift which the American colony on the occasion of the first centennial of Mexican independence has made to Mexico, this beautiful statue which represents in bronze the one who in his own Nation came to be 'first in war; first in peace, and first in the hearts of his countrymen'—enviable praise which has rarely been accorded even to great men."

TAXATION OF FOREIGNERS BY INSURRECTIONARY FORCES EXERCISING DE FACTO AUTHORITY.

File No. 812.00/3353.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

American Consulate,
Chihuahua (via El Paso, Tex.), March 23, 1912—1 p. m.

The provisional government demands the mine taxes due to the Federal Government at the close of this month. Penalty according to law for nonpayment 50 per cent increase first month, 100 second, relinquishment title third. While larger mines can stand double payment in case of failure of rebel movement, it will be burdensome for many small owners. I respectfully ask advice.

Letcher.

File No. 812.00/3353.

The Acting Secretary of State to the American Consul at Chihuahua.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 27, 1912—4 p. m.

Department assumes from your telegram of March 23, 1 p. m., that Americans are already paying taxes to insurrectionary authorities. You are instructed that such taxes should be paid under protest. The protest should be made a matter of record in each case as far as possible. Properly authenticated receipts should be secured for all taxes paid. Americans are entitled, however, to pay taxes to persons in de facto authority. See Moore's Digest, volume 1, pages 183-184; volume 4, page 12, for the principle involved. Ambassador at Mexico City is being instructed to lay the matter before Mexican Government, calling attention to the exaction of taxes by insurrectionary forces, and stating that this Government will regard payment of such taxes to such persons exercising de facto authority as completely relieving American citizens from further obligation with reference to taxes paid in that way.

HUNTINGTON WILSON.

File No. 812.00/3353.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1912—5 p. m.

Department is advising Consulate at Chihuahua as follows regarding insurrectionary forces collecting mine taxes due Federal Government: [Above telegram to American Consul.]

You will bring this immediately to the attention of the Mexican Foreign Office.

HUNTINGTON WILSON.

File No. 312.115Am3/26.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 13, 1912—11 a. m.

Orozco has demanded of the El Paso representative of the American Smelters Securities Co. [?] that they remake all checks to the National lines for month of March, amounting to 26,000 pesos, to order of revolutionary government and that all future payments for freight be made to same order.

As this company's interests are very large the precedent to be established is very important. I am having the El Paso representative above mentioned telegraphed to refuse immediate payment and to inform Orozco that he will be held personally responsible by this Embassy for any damage done to American lives and property. I request instructions.

WILSON.

File No. 312.115Am3/29.

The Assistant Secretary of State to the American Ambassador.

No. 798.] DEPARTMENT OF STATE,
Washington, April 16, 1912.

SIR: I enclose a copy of a letter[1] from the American Smelting and Refining Company of New York City, in which they state that they are in receipt of a telegram from their manager in Chihuahua saying that General Orozco has demanded payment to be made to him for freights due by the company to the National Railway lines for the month of March, and that hereafter such payments for freight should be made to him. They point out that they will doubtless have demands made upon them by the railroad for repayment of the freight if paid to General Orozco; also that the same situation would doubtless apply to the export tax on shipments from Chihuahua.

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[1] Not printed.

Some time ago the American Consul at Chihuahua was advised as follows: [Telegram of March 27, 4 p. m.]

It is believed that this instruction to the Consul states the general principles which control in the matter of the payment of taxes, customs duties, etc., to insurrectionary or revolutionary officers, and it would apply to the case suggested by the American Smelting and Refining Company.

You will lay the matter before the Mexican Government and state that the Government of the United States will regard such payments made for freight and export taxes to the persons exercising de facto authority as completely relieving the Smelting Company of further obligation in regard to such payments.

I am [etc.]

HUNTINGTON WILSON.

File No. 312.11/285.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, April 24, 1912—5 p. m.
(Received, via El Paso, Tex., April 25, 1912—5.30 p. m.)

W. H. Kraft, a citizen of the United States, has been required by the rebel military authorities to pay to them $100,000 and 1,000,000 cartridges. By right of his wife this American owns an undivided one-sixth interest in one of the largest properties in the State of Chihuahua. An uncle of the President of Mexico residing here is also holder of a sixth interest. These facts account for the rebel hostility. Last week this estate, consisting of nearly 1,000,000 acres, was absolutely stripped and laid waste by rebel authorities. Request instructions as to what representations should be made in protection of American-owned share of property. The authorities threaten to confiscate all of Kraft's property in Chihuahua if he fails to comply with their demand.

LETCHER.

File No. 312.11/285.

The Secretary of State to the American Consul at Chihuahua.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 27, 1912—6 p. m.

Your April 24, 5 p. m. Bearing in mind Department's March 27, 4 p. m., regarding payment of taxes, you will informally protest to appropriate persons exercising de facto authority in your district against all arbitrary, illegal or confiscatory exactions made by such persons upon American citizens or their property. In matter of "forced loans" you will distinguish between levy in the form of war taxes equally applied according to a fixed percentage amongst all the inhabitants of the country, whether natives or foreigners, and exactions levied arbitrarily upon a part only of the community. See volume 6, Moore's Digest, page 915.

Referring again to Department's March 27, 4 p. m., protests should be entered against payment of all taxes to insurrectionary authorities; you will also enter special and emphatic protests informally and unofficially against arbitrary and discriminatory exactions, "forced loans." Protests should be recorded if possible.

KNOX.

File No. 812.512/5.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, August 21, 1912—noon.

Department's March 27, 5 p. m. Protests are being made here by representatives of American taxpayers in the State of Chihuahua against the collection attempted there by local authorities of certain mining taxes already paid by them to the revolutionary government of Orozco, which was the de facto government at the time of payment. I am to-day instructing American Consul at Chihuahua to advise Americans in his district to decline to pay taxes a second time.

WILSON.

File No. 812.512/6.

The American Consul at Chihuahua to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Chihuahua, August 24, 1912—3 p. m.

The Ambassador advised me by telegraph yesterday that Mexican Government will not attempt second collection of taxes paid rebel authorities, and he has instructed advising Americans to this effect.

LETCHER.

DISCRIMINATION AGAINST AMERICAN CITIZENS EMPLOYED ON MEXICAN RAILROADS.

File No. 812.77/102.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 796.]

AMERICAN EMBASSY,
Mexico, August 9, 1911.

SIR: I have the honor to report to the Department that representatives of the Order of Railway Conductors and of the Brotherhood of Locomotive Engineers, of the National Railways of Mexico, called at the Embassy on Saturday last and represented that a general strike of pronounced anti-American character by the Mexican employees of the National Railways is imminent and will probably occur about the middle of this month. Such a strike, they alleged, will seriously endanger their welfare and even their lives, and they requested to know what protection could be afforded them in the event the strike became a reality. I replied I had reason to believe that the Government could and would fully protect them and that if they would convince me that their lives were menaced I would do everything possible to have them promptly and adequately safeguarded.

In the course of the conversation the representatives asserted that the strike was in a way the outcome of a movement among the Mexican employees of the railroad which had been going on for some time and which has heretofore been manifested, as it still is, by constant and irritating discrimination against American employees on the part of subordinate and secondary officials whenever occasion offered. The source of this discrimination, aside from the animus which they claim to be in the minds of their Mexican fellow workers, they assert is in the executive committee of the board of directors, and asked me if I would give them a letter of introduction to the Secretary of Hacienda asking that they be given a hearing, so they could lay their grievances before him. As this seemed to be a reasonable request I gave them the letter they asked for, a copy of which I am enclosing.

Yesterday Mr. Jaime Gurza, the Sub-Secretary of Hacienda and a member of the executive committee of the board of directors above mentioned, told me that a movement for the complete Mexicanization of the National Railways has been on foot for over a year. He thought a general strike extremely unlikely, as it had been pointed out to the Mexican committees when they presented their case that exact justice would be accorded American as well as Mexican employees, and that if their agitation took on a political or anti-American character it would prejudice the Government against them and quite defeat their ends. He said that about a year ago the matter of the Mexicanization of the National Lines was gone into by Mr. Limantour, the former Secretary of Hacienda, and Mr. E. R. Brown, the President of the National Railways, and that it was then agreed that while American employees already in the service should not be discriminated against in any way, Mexicans, everything else being equal, would be given preference in regard to new vacancies in positions, but that efficiency would in all cases be the sole criterion. The railroad men who visited me also spoke of this arrangement and said that the point had been conceded by them.

This question, which indirectly affects the entire country, directly concerns over four hundred Americans, and several thousand—I believe about twelve—Mexican employees. Mr. Gurza told me the gross receipts of the lines were larger than the national revenues, and from these facts an idea may be gained of the importance of this question and the seriousness of a strike which would hamper the transportation facilities of the entire Republic.

I have [etc.]

FRED MORRIS DEARING.

[Inclosure.]

The American Chargé d'Affaires to the Secretary of Hacienda.

No. 1260.]

AMERICAN EMBASSY,
Mexico, August 7, 1911.

MY DEAR MR. MINISTER: I have the honor to request that your excellency will be good enough to receive and give a hearing to Mr. Thomas K. Eccles, Chairman, General Board of Adjustment for the Order of Railway Conductors, National Railways of Mexico; Mr. H. H. Kasten, General Chairman of the Grand Council of Adjustment, Brotherhood of Locomotive Engineers, National Railways of Mexico; and the gentlemen who will accompany them, who have represented to this Embassy that they fear a strike of anti-American character by the Mexican employees of the National Railways, which may seriously jeopardize their personal safety, about the middle of this month. They also state that they are subjected to constant discrimination on account of their nationality. I therefore harbor the conviction that your excellency will be desirous of hearing at first hand what they have to say in regard to the matters which have caused them to seek an audience with you, and I beg to assure your excellency that the attention and consideration your excellency will show them will be appreciated no less highly by them than by myself.

I am [etc.]

FRED MORRIS DEARING.

File No. 812.77/102½.

The American Chargé d'Affaires to the Secretary of State.

No. 820.]

AMERICAN EMBASSY,
Mexico, August 16, 1911.

SIR: I have the honor to refer to my dispatch No. 796 of the 9th instant, relative to the fears of certain American employees of the National Railways of Mexico that a general strike of anti-American character will be called by the Mexican employees of the National Lines, and to inclose to the Department for its information a copy in translation of an extract from a folio, entitled "Railroad Policy of the Government," prepared by Mr. Jaime Gurza, the Subsecretary of Hacienda and a member of the Executive Committee of the Board of Directors of the National Railways of Mexico, in which the respective rights of the American and Mexican employees and the question of the Mexicanization of the railway lines are touched upon.

Mr. Gurza's book, which seems to have been privately printed for a limited circulation, presents a very interesting study of the Mexican railway system, and, in case the Department so desires, I will endeavor to secure additional copies of it for the Department's use.

Referring to the last paragraph of my dispatch of the 9th instant above mentioned, I beg to say that a statistical table published in Mr. Gurza's book indicates that the employees of the National Railway Lines number 26,106, of whom 25,031 are Mexicans and 1,075 are foreigners; that is, to all intents and purposes, American.

I have [etc.]

FRED MORRIS DEARING.

[Inclosure.—Translation.]

Extract from "The Railroad Policy of the Government."

It has also been arranged that among all the different railroad employees, those who are Mexican shall be given the same treatment and the same protection that is given to foreigners.

Mr. Limantour, understanding that it was only justice to leave railroad careers open to all young and energetic Mexicans who would be considered capable of such work, directed, on July 1, 1909, to Mr. E. N. Brown, Executive President of the National Railways, two important letters, in which, with the above object in view, he recommended:

(a) That equal opportunity be given to Mexicans and foreigners to occupy and carry on the functions of railway positions.

(b) That measures be taken to arrange that the Mexican employees receive the same treatment as the foreign, and that no obstacles be put in their way on account of favoritism.

(c) That the use of Spanish be made general and obligatory in all branches of the railway service; and finally,

(d) That attention be given to the formation and betterment of the schools in which railroading is taught.

Mr. Brown, following the wishes of the Government as expressed in the letters of the Minister of Hacienda, has increased the number of Mexican employees and has arranged that they receive better treatment.

It is true that this increase in the number of employees has been principally made in the ranks of the lower and secondary men; but this is natural and fair, because such positions are more frequently vacant, and, furthermore, it would neither be just or convenient to discharge old foreign employees for the sole reason of substituting others who are Mexicans. Nevertheless, higher positions have lately been given to Mexicans whenever the opportunity presented itself.

The Mexican employees themselves recognize generally the existence of these advantages, and they only complain because several foreign employees, chiefs of departments, place obstacles and difficulties in the way of nationalizing the service.

In order to avoid these difficulties, it has been suggested that positions be awarded by competition among those who show the greatest ability, and it is desired that any discharge of an employee shall be justified before the proper high official.

An effort has also been made to make the use of Spanish more general in the railroad service. It does not seem necessary to me to lay any stress on the importance of effectually establishing this measure which will bring so many advantages to the Mexican employees of the railways, greatly contributing to the betterment and strengthening of their relations with the public.

Now that the railways have become nationalized, it is very natural that all the details of the service should be in Spanish, because language is the simplest manifestation of the nationality of a people and the form in which they incarnate their racial character and civilization.

File No. 812.77/1021.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 515.]

DEPARTMENT OF STATE,
Washington, August 31, 1911.

SIR: The Department has received your No. 820 of the 16th instant, enclosing a translation of an extract from Mr. Jaime Gurza's book entitled "Railroad Policy of the Government."

The Department will be glad to have you send it two copies of the work mentioned.

I am [etc.],

HUNTINGTON WILSON.

File No. 812.77/108.

The American Ambassador to the Secretary of State.

AMERICAN EMBASSY,
Mexico, January 16, 1912.

SIR: I have the honor to transmit herewith copies in duplicate as follows:

First. Instructions to Mr. Dearing to interview President Brown relative to the question of the Mexicanization of the National Railways.[1]

Second. Mr. Dearing's report of the interview.

Third. Letter from the Chairman of the General Board of Adjustment for the Order of Railway Conductors of the National Railways of Mexico.

My reasons for securing this interview are that the increasing probability of an antiforeign and anti-American policy in the personnel of the Mexican National Railways makes it important that the Department should be well informed in the premises.

In the event that the Mexicanization of the National Railways is persistently and thoroughly carried out by the Mexican Government the deterioration of these great properties must almost inevitably follow. This has been the experience wherever the policy of entirely eliminating foreign and American employees has been carried out effectually. In the event that this policy should be carried out, resulting in a depreciation of the values of the properties, it may be anticipated that American and foreign bondholders would immediately become dissatisfied and that an agitation would be started for the purpose of securing our intervention and possibly that of other powers in the matter.

I have [etc.]

HENRY LANE WILSON.

[Inclosure 1.—Memorandum.—Extract.]

Memorandum relative to the Mexicanization of the National Railways of Mexico.

Mr. Dearing, at the direction of the Ambassador, called upon Mr. E. N. Brown, President of the National Railways of Mexico, by arrangement, at 3.30 p. m. on the eighth of January, 1912, in relation to certain agitation, supposed to have the sanction of the Mexican Government, for the so-called Mexicanization of the National Railways of Mexico, i. e., the substitution of Mexican for foreign employees. Since some sixteen hundred Americans are in the service this agitation at once assumes importance for them and thus for the American Government and the American Embassy in Mexico. Indeed, trouble has been narrowly averted on several occasions and as late as August, 1911, a general strike of the Mexican employees was threatened and was discourged only when the Mexican Government frowned upon it for matters of policy; i. e. the Government is favorable to the Mexicanization but does not wish it to be accomplished by strikes which would certainly bring about international complications. The agitation in question is now two years old and dates virtually from the issuance of what is known as the Limantour circular of 1910, copy of which will be found in Mr. Jaime Gurza's book enclosed in the Embassy's dispatch of September 18, 1911 (No. 950[1]).

Mr. Brown said that the foreign bondholders would certainly oppose any attempt by the Mexican Government to eliminate American employees and said that they had already been very active when nothing more than the possibility of such a thing existed.

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[1] Not printed.

The difficulty, he said in effect, is that the Government, while understanding the situation and while well disposed, has to withstand a pressure from the middle and lower classes almost too strong to be resisted. As a matter of fact the Government would prefer to have the management of the railway in American hands, but as the various state officials and petty authorities of all kinds conceive that the railways are state property and that they as citizens have certain rights over them, they cannot, on account of their number, be ignored. This misconception, Mr. Brown thought, was largely due to the demoralizing Limantour circular above referred to which had been seized upon by the people as evidence of rights which, as a matter of fact, do not exist.

Mr. Brown said that the Mexicanization of the National Railways is actually being effected and in the only way in which it can be carried out to the satisfaction of all concerned. The present policy and method is to promote men from the ranks whenever they are found to be capable of filling the higher vacancies, the places being given, everything being equal, to Mexicans. He said this plan had been in operation on the old National Railways for about eighteen years and that in time practically the entire shop force had been Mexicanized without any loss in efficiency, only ten foreigners being now employed. He remarked that the company had taken great care in training its men and that even in the administrative department he was preparing to take in various Mexicans who had demonstrated their fitness.

Mexicanization even of the minor personnel cannot be effected now without disrupting traffic but that it is in gradual process of accomplishment as above indicated.

Mr. Brown, upon being asked if discrimination was being practiced by Mexican railway officials against American subordinates for the purpose of forcing them out of the service, answered "No."

Mr. Brown said that he had been assured by both the President and Ernesto Madero, the Secretary of Hacienda, that there would be no change in previous and established policies of the Government in relation to the National Railways and that he believed that they were sincere in their statements. But while evidently sincere now might, he thought, if agitation continued and pressure by the people became too great, be forced to take a different attitude, i. e., that they would stand by the status quo as long as the people acquiesced.

Speaking of the physical condition of the National Railways, Mr. Brown said the roadbed and equipment were in the best of condition and better than any railroad west of the Mississippi in the United States.

[Inclosure 2.]

The Chairman of the General Board of Adjustment for the Order of Railway Conductors to the American Ambassador.

131 Plazuela de Buena Vista,
Mexico, D. F., January 12, 1912.

Dear Sir: I am enclosing you herewith the report on conditions affecting the "road men" of the National Railways of Mexico, which you asked for.

The conditions as I have stated them are not in the least overdrawn—every word of it is true and can be proven.

If you can, in your official capacity, do anything that will get for us the "square deal" that we should be entitled to, I assure you that it will be greatly appreciated.

Very sincerely, yours,

T. K. Eccles.

[Sub-inclosure.]

Labor Situation on the National Railways of Mexico.

For a period of something over two years no conductors, and few engineers, have been hired, so that the number in the service is gradually growing less.

A great many of the Mexicans who have been given positions as conductors are men who have not earned this preference by reason of proficiency in the practical knowledge of the duties and responsibilities of a conductor or engineer.

The current book of rules of the National Railways, under which road employees work, reads, in part, as follows: "To obtain promotion capacity must be shown for greater responsibility." The conductors and engineers feel that they have a reasonable cause for complaint by reason of the fact that some of them have shown capacity for increased responsibility, yet they have not been promoted, and if the present policy of the company continues they will not be.

The greatest cause of complaint the men have is that they are being discriminated against in matters of discipline. An offense against the rules by an American is generally the cause for his discharge, where the fault is a dischargeable offense, and if it is not a dischargeable offense the man is heavily demerited. Similar offenses on the part of a Mexican are taken little, if any, cognizance of. It looks as though the policy were to get rid of the American employees and save the Mexican ones.

Many of the men who are now left in the service are men who have been with some of the properties constituting the National Railways for years and they have passed that age when they could go to the United States and get employment as conductors or engineers. They have given the very best years of their lives to railway service in Mexico and have helped to make it what it is. Their feelings may be imagined as they view the attitude of the company toward them. There was a time when an old employee who had erred in the performance of his duty was given some consideration because of long and faithful service. If any consideration is being shown now it is not apparent.

The last annual report of the company shows that there were 1,219 foreigners employed on the system, which is 3.19 per cent of the whole number.

File No. 812.77/111.

The American Ambassador to the Secretary of State.

No. 1306.]

American Embassy,
Mexico, March 12, 1912.

Sir: Referring to my telegram of February 3, 1912,[1] I have the honor to report that during an interview with the President on March 11th I called his attention to the gravity of the situation which would result from a strike of the American employees on the National Railways, now impending because of the announced determination of the Government to enforce the use of the Spanish language in all train orders and to require examinations in Spanish. I expressed the opinion that this strike would not only paralyze traffic and the transportation of troops and close factories, but it would also involve an attempted boycott on incoming and outgoing Mexican freight on the other side of the Rio Grande and that labor organizations in the United States would, as I was informed, pass resolutions denunciatory of the Mexican Government and asking American employers of Mexican labor in the United States to follow the example made by the Mexican Government. The President expressed himself as being in accord with me as to the undesirability of provoking this contest at the present time, and said that he would give immediate orders to have the obnoxious language order indefinitely postponed. I hope with this action the grave difficulties which I have been anticipating and fearing may be postponed for some time.

I have [etc.]

Henry Lane Wilson.

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[1] See p. 716.

File No. 812.77/111.

The Acting Secretary of State to the American Ambassador.

No. 772.]
DEPARTMENT OF STATE,
Washington, March 21, 1912.

SIR: The Department has received your No. 1306, of the 12th instant, containing the substance of your interview with President Madero on the preceding day, and approves your action in detailing to him the grave complications which would result from the strike of American employees on the National Railways which would follow the Government's carrying out of its announced intention to enforce the use of the Spanish language in all train orders.

The Department is gratified by the President's attitude in consenting to order the indefinite postponement of the issuance of the contemplated order regarding the use of the Spanish language, and hopes that the President's orders will be effective.

You will continue to watch the railway situation closely and report all important developments by telegraph.

I am, etc.

HUNTINGTON WILSON.

File No. 812.77/112a.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 30, 1912—11 a. m.

The American Brotherhood of Locomotive Engineers and the American Order of Railway Conductors are about to take up the grievances of American employees of the Mexican National Railways and will make the dangerous character of their employment under present conditions the basis for a request of the Department for special representations to the Mexican Government and for extraordinary measures by this Government. It is possible that if the Department's reply or the Mexican Government's attitude do not satisfy the men a strike of all American employees on the National lines will be ordered. The Department views this possibility with grave concern, for various reasons, such as the serious handicap that would be placed upon Americans in Mexico, whose need to leave the country may become imperative; the rights of the employees as American citizens; the usual inconvenience resulting from the stoppage of communication; the isolation of the Embassy and the various consular officers; in general, the serious situation with which this Government, as well as the Mexican Government, would be confronted if the strike becomes a reality.

You are therefore instructed to seek an early interview with President Madero and to impress upon him the gravity of the threatened situation and to suggest to him the great desirability of removing the cause of complaint by stopping, as far as possible, the discrimination alleged by the American employees, and urgently to request that every possible measure of protection be afforded them during the performance, often perilous, of their daily duties.

You may also say to the President that the matter would seem, in view of the present political situation in the country, to call not only for bare fairness in meeting the demands of the Americans (due regard being had for the Mexican employees), but for a more than usual measure of consideration.

HUNTINGTON WILSON.

File No. 812.77/115.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, April 2, 1912—10 p. m.

Department's March 30, 11 a. m. The Cabinet has decided to reject all demands of American employes of Mexican National Railways. It acted upon what I know to be false information as to the attitude of the American railway servants and the representations of General Manager Clark.

I represented to the Minister for Foreign Affairs that (1) the interruption of traffic and transportation of soldiers, (2) the possible boycott by labor organization of incoming and outgoing Mexican freight, (3) the prejudice which would be excited against Mexican employees in the United States, (4) the intrusion of the question into congressional discussion and consequent embarrassment of the President, (5) the public sympathy which would be aroused by the return of some 4,000 Americans to the United States deprived of their positions through unjust and discriminating intrigues—would all contribute toward serious results.

The Cabinet will reconsider, in view of my representations.

WILSON.

File No. 812.77/117.

AMERICAN EMBASSY,
Mexico, April 7, 1912—7 p. m.

Referring to Department's March 30, 11 a. m. Mr. Calero informs me to-day, in a note, that the Government, reflecting the views of the officers of the Mexican National Railways, finds the demands of the American engineers and conductors intolerable and is advised from the same source of the ability of the management to effectively operate the railways without American employees. The note adds the hope of the Government that the American employees and the management will be able to arrive at an understanding and that he has so advised a responsible official.

I do not share in the optimistic view of the Minister for Foreign Affairs.

WILSON.

File No. 812.00/3534.

AMERICAN EMBASSY,
Mexico, April 8, 1912—9 p. m.

As the Mexican National Railway refused to grant any of the demands of the American employees, these, amounting to from 700 to

800, will strike on the 15th and leave their posts. I have used all my influence with the Government, the railways, and the men to prevent the crisis and am deeply disappointed that no good result has followed.

WILSON.

File No. 812.77/122.

The American Consul General at Monterey to the Secretary of State.

No. 456.]

AMERICAN CONSULATE GENERAL,
Monterey, April 9, 1912.

I have the honor to state that the threatened "walk out" of American railroad men here in Mexico is causing considerable anxiety amongst the better class of people. It is a recognized fact that the majority of American railroad men here in Mexico are not only competent, but they are quite a superior class of citizens. In fact, I have noted a great improvement between many of the American railroad men in Mexico of twelve years ago and those of to-day. As a rule our American railway conductors and engineers are sober, law-abiding citizens, remaining neutral as to local politics, and attending strictly to the business of the railroad company by which they are employed. As a rule they receive large salaries and instead of sending this money out of the country, Mexico is constantly benefited by this thrifty class who have money to spend and who invest it and spend it here in the republic. A large number of these Americans have spent years in Mexico and have been largely instrumental in bringing up the railroads in Mexico to their present high standing. Ten years ago nearly all of the railroads here were manned by Americans and there were few Mexican conductors or engineers, whereas to-day only about 62 per cent of the conductors and engineers are Americans, the balance are Mexicans who have been taught railroading under experienced American railroad men. Many of these American railroad men have passed the age limit which would enable them to find employment on American railroads in the United States, and, as they have spent a large part of their life railroading in Mexico, they greatly dislike being crowded from their positions and compelled to seek employment in other lines of business.

I have been told by some of the principal engineers and conductors that all the American railroad men ask is to be fairly treated by the railroad company, which they have helped to make what it is to-day in Mexico. I understand their demand to be that no less than 50 per cent of the engineers and conductors shall be Americans and that the policy of discharging Americans for unwarranted or slight causes, without giving them a proper hearing, cease. And that no Americans be discharged without a good and sufficient cause. As I understand it the American engineers and conductors in Mexico have not made any unreasonable demand.

American capital built these roads, a large part of the stock is owned in the United States, and while the Government of Mexico is supposed to own the controlling stock at the present time, it is understood that the bonds, which were given in exchange for said stock, is the property of American citizens.

The facts appear to be that these American railroad men, who are capable and responsible and who are the safe and competent guardians of American property, have already been greatly reduced in numbers. If their just rights are denied them they will, without doubt, leave Mexico, or at least quit railroading, and the railway properties will undoubtedly suffer as a result of their being crowded out of their present positions, which will not only result in a hardship to the men who have devoted the best part of their lives in building up these properties but will result in great loss to the people who own stock in the railroads.

It is furthermore understood that if this great body of men are compelled to leave the service, railroad men in the United States and employees of steamship lines touching at Mexican ports will show such sympathy as will cause a general tie-up in the movement of all freights between the United States and Mexico.

There exists what appears to be a well-founded rumor that railroad and steamship men will refuse to handle freights either in or out of Mexico if these American railroad men are unjustly driven from their positions.

The tying up of the railroads at the present critical time would undoubtedly greatly add to the seriousness of the present conditions prevailing throughout this country. It would mean the cutting off of the supplies brought into Mexico by railway and steamship lines, and it would make it impossible to market the products of this country outside of Mexico. The food supply would largely be cut off. The fuel supply would soon give out. The mines, smelters, and the mills would soon be compelled to close down, and starvation, more terrible than the present revolution, would soon be felt in every part of this republic.

It is hoped that every reasonable influence will be brought to bear on all parties concerned which will tend to bring about a just and satisfactory settlement of this serious question.

I have [etc.]

PHILIP C. HANNA.

File No. 812.00/3566.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Mexico, April 11, 1912—9 p. m.

I am informed through respectable sources that a signed organization of 10,000 men exists in the State of Vera Cruz to act in cooperation with the rebels in the north, and that as soon as the American railway servants go out they expect to begin destroying bridges and killing Mexican railway employees on the Interoceanic and Mexican railways.

WILSON.

File No. 812.00/3584.

AMERICAN EMBASSY,
Mexico, April 12, 1912—9 p. m.

Aguascalientes reports revolutionists held up train from Guanajuato to Silao and American conductor (name not given) was fatally shot; all passengers and employees maltreated. Also reports wrecking of train at Trapuato and killing of American engineer, Zachariah Farmer.

I am to-day advised by the representatives of American railway servants on Mexican National Railways that they would go out in a body on April 17. I believe efforts to save the situation will be unavailing. The said representatives have expressed to me their deep appreciation of the sympathetic attitude of this Embassy and of the Washington Government.

WILSON.

File No. 812.77/122.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 16, 1912.

Perhaps it would be worth while for you to make one more effort to induce the American railway employees at least to postpone their walkout for a few weeks, first, because so many of their countrymen would be affected by deterioration of the service, and, second, because it seems quite likely the opportunity to exclude Americans from future employment would be welcomed by the Mexican Government. However, you will give no advice inconsistent with the Department's standing instructions to you of March 2, 2 p. m.[1]

WILSON.

File No. 812.77/124.

The American Ambassador to the Secretary of State.

?Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 17, 1912.

It is impossible to do anything in the railway situation. The situation has been further aggravated by the railway management's refusal to give the men service letters or transportation to the border. I have asked Mr. Calero to express to the President this Embassy's deep concern. I will be glad to be instructed to take active steps to secure just treatment for the men. Shall I sign a general certificate attesting the service of these men and their reason for leaving the National Railways service?

WILSON.

File No. 812.77/127.

No. 1369.]

AMERICAN EMBASSY,
Mexico, April 19, 1912.

SIR: I have the honor to transmit herewith without comment and for the information of the Department or such other Departments as may be interested therein a copy of a letter from Mr. T. K. Eccles and

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[1] See p. 731.

Mr. J. F. Ealy, representatives respectively of the Order of Railway Conductors and of the Brotherhood of Locomotive Engineers.

I have [etc.]

HENRY LANE WILSON.

[Inclosure.]

The Representatives of the Railway Men to the American Ambassador.

MEXICO, D. F., *April 16, 1912.*

DEAR SIR: For your information will state that to-morrow something over 600 engineers and conductors will leave the service of the National Railways of Mexico. It will be a part of the duty of the undersigned to know where these men have located. If their services should be needed by our country in handling troop trains in the Republic of Mexico we will be able to furnish all the men needed and these men will thoroughly know the track they are to run over.

A wire or letter to T. K. Eccles, Alberta Hotel, El Paso, Texas, will be all that is needed.

Very sincerely yours,

T. K. ECCLES.
J. F. EALY.

File No. 812.77/127.

The Acting Secretary of State to the American Ambassador.

DEPARTMENT OF STATE,
Washington, April 30, 1912.

SIR: The Department has received, and has communicated to the Secretary of War, your No. 1369, of the 19th instant, transmitting a joint letter from Messrs. T. K. Eccles and J. F. Ealy, representatives, respectively, of the Order of Railway Conductors and the Brotherhood of Locomotive Engineers, with relation to some six hundred engineers and conductors who have left the service of the National Railways of Mexico, stating that, should the services of these men be needed by the United States in handling troop trains in the Republic of Mexico, the organizations mentioned would be able to furnish all the men needed, who would be thoroughly familiar with the tracks over which the trains would be run.

I am [etc.]

HUNTINGTON WILSON.

File No. 812.77/132.

The President to the Acting Secretary of State.

[Telegram.]

CUMBERLAND, MD., *May 12, 1912.*

Have information which would be glad to have you confirm that there are as many as two hundred and fifty American railway conductors and many locomotive engineers and trainmen who have been thrown out of employment in Mexico and are now refugees in El Paso and other border towns. If you can, verify this information by telegraph to consuls at various places and to the Ambassador. I should be glad if you would issue a statement by my direction inviting the attention of railway presidents and managers to the presence of these skilled workmen with a view if possible to securing employment for them and to save them from suffering.

Wm. H. Taft.

File No. 812.77/132.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, May 13, 1912.

By direction of the President the border consulates were to-day instructed as follows:

> Telegraph Department how many American railway conductors and locomotive engineers who were formerly employed in Mexico are now idle in Texas border towns opposite your post.

Whatever information you may have on the subject you will send to the Department.

Huntington Wilson.

File No. 812.77/136.

The Acting Secretary of State to the American Ambassador and the American Consuls at Nogales, Ciudad Juárez, Ciudad Porfirio Diaz, Nuevo Laredo, and Matamoros.

[Identic telegram.—Paraphrase.]

Department of State,
Washington, May 14, 1912.

In order to prevent any possible misunderstanding of the Department's May 13, you are informed that the data requested therein was ordered obtained by the President personally, and is desired for the purpose of securing employment in the United States for these idle men.

Huntington Wilson.

File No. 812.77/143a.

The Secretary of State to the Presidents of the eighty-six railway companies of the United States operating lines of five hundred miles or more.

Department of State,
Washington, May 17, 1912.

Sir: By direction of the President, the Department of State announces that, according to reports from diplomatic and consular officers, there are present in the border towns of Texas and out of employment about eighty American railway conductors and about eighty-three locomotive engineers, until now in the service of the National Railways of Mexico. Believing that possibly the skill and experience of these men could be advantageously availed of by the railroad companies of the United States, the President has directed that this situation be brought to their notice in order that, in case such railroad companies have occasion to make use of their services, these conductors and engineers may promptly secure employment.

If it is convenient and possible to give employment to any of these men, they can be reached through Mr. C. E. Webb, in charge of the Order of Locomotive Engineers, San Antonio, Texas, or Mr. D. F. Anderson, in charge of the Order of Railway Engineers, at Laredo, Texas.

I am [etc.]

P. C. KNOX.

File No. 812.77/144.

The President to the Secretary of State.

CINCINNATI, OHIO, *May 21, 1912.*

MY DEAR MR. SECRETARY: I have yours of May 17th[1] relative to the presence of unemployed railroad men along the Texas border. I approve and greatly appreciate the steps you have taken to meet the situation.

Sincerely yours,

WM. H. TAFT.

NOTE.—Replies were received from the railway presidents and receivers addressed by the Secretary of State on May 17; most of the letters were to the effect that the writer would be glad to bear the matter in mind and had referred the Secretary's request to the appropriate official of his company.

THE RIGHTS OF ASYLUM AND OF TEMPORARY REFUGE.

The American Consul at Vera Cruz to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN CONSULATE,
Vera Cruz, October 24, 1912—5 p. m.

No foreigners hurt or property destroyed. City in the possession of Federals. Díaz is a prisoner; if asylum is asked for will be refused.

CANADA.

File No. 812.00/5358.

The American Chargé d'Affaires to the Secretary of State

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
Mexico, October 27, 1912—12 noon.

Both Mexicans and foreigners have crowded this Embassy asking that I take some action with President Madero in behalf of Díaz, some insisting that he should not be executed; others that such execution be postponed. I have replied to one and all that the Embassy could not under any circumstances take action or make representations, as his case was one of Mexican internal politics.

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[1] Not printed; refers to above circular letter to railway presidents.

Similar visits of committees from their colonies with petitions to take some action for the sake of humanity have been received by the other members of the Diplomatic Corps, who have been much excited over the reported determination to execute Díaz. The wife of the Spanish Minister (acting Dean of the Diplomatic Corps), herself a Mexican by birth, went to see the Maderos, but was coldly received. The British Minister was very active for a time, saying that of course he could not act in the name of his Government without instructions, but was acting for his colony. German and French Ministers will do nothing.

Madero has made a speech, in reply to a manifestation, in which he concludes:

> General Díaz will be punished with all rigor. And I know very well that it is the wish of the nation that the blood of the guilty wash out the blood shed by General Díaz on June 25, 1879.

SCHUYLER.

File No. 812.00/5358.

The Secretary of State to the American Chargé d'Affaires.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, October 29, 1912—6 p. m.

Your October 27, 12 noon. Action approved.

KNOX.

File No. 812.00/5343.

No. 1073.]

DEPARTMENT OF STATE,
Washington, October 29, 1912.

SIR: The American Consul at Vera Cruz, in a telegram dated October 24, 5 p. m., states, regarding asylum for General Felix Diaz, "if asylum is asked for will be refused." The Department presumes there will be no occasion either to grant or to refuse asylum to Diaz, since he is held a prisoner by Mexican Federal forces. You will inform the Consul at Vera Cruz, however, that the position of the Department with regard to asylum is as follows: "The Government of the United States does not claim what is technically known as the right of asylum in the strictest sense. There is, however, an evident distinction between cases of this kind and cases in which temporary refuge is given in order to preserve innocent human life. In cases of the latter kind the Department of State finds it expedient to give a certain latitude to the judgment of the officer who is called upon to determine within his discretion the course recommended by broad considerations of humanity in each individual case. It is accordingly the general rule of the Department of State to place all emphasis upon the responsibility of the officer concerned and to permit him within these limitations, at his discretion, to afford temporary refuge where such is necessary to preserve innocent human life."

I am [etc.]

P. C. KNOX.

PROTECTION OF CHINESE SUBJECTS IN MEXICO BY AMERICAN DIPLOMATIC AND CONSULAR OFFICERS.—TEMPORARY REFUGE GRANTED WAIVER OF EXCLUSION ACT.[1]

File No. 151.07/4.

The Chinese Minister to the Acting Secretary of State.

No. 33.]

LEGATION OF CHINA,
Washington, March 6, 1912.

SIR: I have the honor to inform you that I have received many telegraphic reports from the Chinese residents in various parts of Mexico concerning the serious character of the present disturbances in that country, which may render it imperative for them to seek refuge in the United States. During a similar revolution in Mexico last year, the Department of Commerce and Labor issued timely instructions[2] to the American immigration authorities on the Mexican border to allow Chinese residents in Mexico, whether of the merchant class or not, to take refuge in the United States, as your Department was good enough to inform me in its note of the 13th of June last.[3] If those instructions are no longer effective at the present time, I take liberty of requesting that they be revived and made applicable to the cases of the Chinese residents in Mexico seeking refuge in the United States during the present revolution.

Thanking you in advance for your kind compliance with my request,

I avail [etc.]

CHANG YIN TANG.

File No. 312.93/19.

The American Consul at Mazatlan to the Secretary of State.

No. 149.]

AMERICAN CONSULATE,
Mazatlan, March 17, 1912.

SIR: I have the honor to inclose confirmation copy of my telegram of even date.[3] During the last week notices have been appearing in the papers, calling on the unions and clubs to attend a public meeting to be held on Saturday night in the Plaza de la Republica, for a conference on the Asiatic race, and on Friday programme was circulated, one of the speeches was to be on "He who protects the Chinese is a traitor to his country."

All indication clearly indicated that the object of the meeting was to inflame the populace, cause an uprising, and compel the Chinese either by force or through fear to abandon the city.

The Department instruction of Nov. 14, 1911,[1] also that of the Embassy, placed me in the position of protecting the Chinese in case of necessity. I therefore called on the authorities and asked for the suppression of the meeting. Orders were issued for copies of the intended speeches to be submitted to me—I found same to be obscene and inflammatory—and again requested that the meeting should be prohibited. My request was granted.

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[1] See For. Rel. 1911, pp. 615–618.

[2] See For. Rel. 1911, p. 616.

[3] Not printed.

I am aware that I may have gone further than my instructions warranted, but considered that it would be far easier to prevent an uprising than it would be to protect the Chinese once the outbreak had taken place; hence my action, which I submit for approval or otherwise.

Had the meeting taken place and an uprising resulted the authorities could not have coped with same, and the consequences would have been serious.

I have [etc.]

WM. E. ALGER.

File No. 151.07/5.

The Acting Secretary of State to the Chinese Minister.

No. 235.]

DEPARTMENT OF STATE,
Washington, March 19, 1912.

SIR: Referring to your note of the 6th instant requesting a renewal of the arrangement made last summer whereby Chinese residents in Mexico were allowed to take refuge in the United States during the continuance of disturbances in Mexico, I have the honor to inform you that the Department is now in receipt of a letter from the Department of Commerce and Labor, to which Department the matter was referred, stating that there is little doubt that the previous arrangement is still being adhered to, but that, as a precautionary measure, the matter has again been brought to the attention of the proper immigration authorities on the Mexican border.

In this connection you will be interested to learn that in a letter to the Governor of Texas, dated March 9, 1912, communicated by him to the Department, Capt. John R. Hughes, of the Texas State Rangers, reported that on the night of the mutiny in Juárez 70 Chinese presented themselves at the detention station and asked for refuge, which was accorded them, the immigration authorities having refused refuge to no foreigners applying for protection.

Accept [etc.],

HUNTINGTON WILSON.

File No. 312.93/19.

The Acting Secretary of State to the American Consul at Mazatlan.

No. 68.]

DEPARTMENT OF STATE,
Washington, April 1, 1912.

SIR: The Department has received your dispatch No. 149 of the 17th ultimo reporting your action in connection with a meeting which it was proposed to hold Saturday evening the 16th of March for the purpose of arousing an anti-Chinese demonstration.

Your action in requesting that the meeting be prohibited has the approval of the Department.

I am [etc.]

For Mr. Huntington Wilson:
WILBUR J. CARR.

File No. 312.93/20.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, April 29, 1912—9 p. m.

Some 2,000 Chinese at Cananea are likely to be attacked at any moment. Chinese Chargé d'Affaires requests me to instruct our consular agent there to afford protection. I told him that I could not act without instruction. Will the Department instruct the consular agent and advise me in the sense of its instruction?

WILSON.

File No. 312.93/20.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 2, 1912—11 a. m.

Protection of Chinese, your April 29, 9 p. m. If the Mexican Government makes no objection, the consular agent at Cananea may exert his unofficial good offices in every proper way to secure protection of the Chinese in that district. You will so inform him.

HUNTINGTON WILSON.

File No. 151.07/7.

The American Consul at Nogales to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN CONSULATE,
Nogales, May 2, 1912.

The American Consul at Mazatlan telegraphs that the Chinese colony, consisting of four hundred residents, may be compelled to leave Mexico and asks whether permission could be granted for temporary residence, as an act of humanity, at San Francisco or San Diego.

DYE.

File No. 151.07/7.

The Acting Secretary of State to the American Consul at Nogales.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 4, 1912.

Forward following to Consul, Mazatlan: Department understands there is no objection to temporary admission of Chinese in the United States as an act of humanity. Inform Department if any seek refuge in this country. Make full report.

HUNTINGTON WILSON.

File No. 312.11/362.

The American Consul at Mazatlan to the Secretary of State.

[Telegram.—Extract.]

AMERICAN CONSULATE,
Mazatlan, May 5, 1912.

Your May 4. Chinese colony return thanks for generous act. Permission will not be availed of unless absolutely necessary.

ALGER.

CLAIMS OF AMERICAN CITIZENS AGAINST MEXICO FOR DAMAGES ARISING FROM REVOLUTIONARY DISTURBANCES.[1]

File No. 412.11/2.

The American Ambassador to the Secretary of State.

Serial No. 581.]

AMERICAN EMBASSY,
Mexico, May 23, 1911.

SIR: I have the honor to advise the Department that the Embassy is beginning to receive a number of claims for losses growing out of the present revolution. The Embassy is replying to all claimants that their claims have been placed on file for consideration at such time as the matter for the adjustment of claims is taken up. I trust that this action has the approval of the Department.

I have [etc.]

HENRY LANE WILSON.

File No. 412.00.

Serial 634.]

AMERICAN EMBASSY,
Mexico, June 7, 1911.

SIR: With reference to the matter of the settlement of claims growing out of the damages to lives and property during the recent revolution, I have the honor to advise the Department of the existence of a strong desire on the part of all the diplomatic representatives accredited to this Government to take accordant action in bringing the claims of their respective nationals to the attention of the Mexican authorities. It is the general opinion that such procedure will cause prompt action and that all claims will then be settled upon the same basis, thus obviating any complaints of favoritism or special consideration on the part of those claimants who may think that they have not been adequately indemnified. It is also thought that such a method will be more acceptable to the Mexican Government, and will avoid any feelings of resentment which the urging of one nation or another on account of especially large losses might bring about. In this connection I beg to enclose to the Department, in translation, a copy of a letter from the Spanish Minister at this capital, in which it is suggested that identic action would be the best procedure in dealing with the adjustment of claims. The day after writing me this letter the Spanish Minister sent me a short informal note to indicate that he had trustworthy information to the effect that the Mexican Government has already come to some decision, which it is believed will satisfactorily dispose of this question.

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[1] For other correspondence pertinent to this subject see Political Affairs, pp. 708, 720, 722, 724–725.

I have [etc.]

HENRY LANE WILSON.

[Inclosure.—Translation.]

The Spanish Minister to the American Ambassador.

SPANISH LEGATION,
Mexico, June 2, 1911.

MR. AMBASSADOR: As agreed in our conversation of this morning, I have the honor to address this letter to your excellency.

I have considered it my duty to lay before your excellency the fact that from the moment that certain foreign representatives had addressed themselves to the Ministry of Foreign Relations in the matter of the sufferings and losses of their countrymen during the recent troubles and had received replies thereto more or less similar, it might be of advantage to us to study in common, as occasion arises, the principles to be defined. These could not but be harmonious and in agreement with one another, and likewise the solution and procedure to be followed would be in accord with the sincerely amicable sentiments and relations which we all endeavour to cultivate with the Government of the Republic.

In the observance, therefore, of the development of this important question, so intimately connected with the definite realization of peace which is so much to be desired both by Mexico and ourselves, I have been of the opinion that we might be disposed and ready to enter upon an exchange of views if the circumstances should indicate the advisability of so doing, and it is with this in mind that I have had the honor of opening the subject with your excellency.

Thanking your excellency for the kind reception given to my suggestion.

I beg [etc.]

B. J. DE COLOGÁN.

File No. 412.00/1.

The American Ambassador to the Secretary of State.

No. 657.]

AMERICAN EMBASSY,
Mexico, June 15, 1911.

SIR: I have the honor to inform the Department that the Sub-Secretary for Foreign Affairs called upon me yesterday and informed me of the appointment by the Mexican Government of a Court of Claims to deal with the claims for damages to life and property growing out of the late revolution. The personnel of the Court is as follows: Lic. José Diego Fernández, Lic. Pedro Lascurain, Ing. A. Roblez Domínguez, Gen. J. Gonzáles Salas, Gen. S. García Cuellar.

There is not much comment to be made upon this personnel further than to say that it is about evenly made up of revolutionary and Government men. Mr. Fernández and Mr. Lascurain are considered to be lawyers of ability; Mr. Roblez Domínguez has been in charge of the revolutionary forces in this part of the country and has acquitted himself well; General Cuellar will be remembered as having been Chief of Staff of President Díaz, the leader of the Federal forces at the battle of Casas Grandes, and lately for a short time Governor of the Federal District; concerning General Salas I have practically no information.

The procedure to be adopted by the Court, its powers, and the time during which it will sit have not as yet been decided. I hope, however, to have additional information on these points at some time in the near future, when I will at once transmit it to the Department.

I have [etc.]

HENRY LANE WILSON.

File No. 412.11/2.

The Secretary of State to the American Ambassador.

No. 376.]

DEPARTMENT OF STATE,
Washington, June 16, 1911.

SIR: The Department has received your No. 557 [537?][1] of May 10, and No. 581 of May 23, 1911, and approves your action in advising American citizens that their claims filed with the Embassy for indemnity for losses caused by the revolution in Mexico will be given consideration at such time as the matter of the adjustment of claims is taken up. In this connection fifty copies of the Department's circular relative to claims against foreign governments[2] are sent in the pouch with this.

You will transmit copies of this circular to the persons who have filed claims with the Embassy, calling their attention to the importance of conforming as nearly as possible to the rules of this circular in the preparation of their papers, and advising them to strengthen their claims in any way in which in their judgment this may be done. To any other persons communicating to the Embassy their desire to file claims you will transmit copies of the circular and inform each claimant that on receipt of a claim prepared in accordance with the circular the matter will receive careful attention by this Department. You will retain in the Embassy one copy of each of the claims so prepared and transmit the other two copies to the Department.

I am [etc.],

P. C. KNOX.

File No. 412.00/2.

The American Ambassador to the Secretary of State.

Serial 672.]

AMERICAN EMBASSY,
Mexico, June 23, 1911.

SIR: I have the honor to inform the Department that it has come to the knowledge of the Embassy, through a communication from the American Vice Consul at Manzanillo, that the Mexican Department of Government is seeking, through the Governors of the various States and certain other officials, information as to the extent and character of foreign claims growing out of the late revolution. As the Consul at Manzanillo requested instruction, and as it also seems advisable that there should be uniformity of action in this matter on the part of all Consular officers, I have to-day addressed to the various Consular officers in this country an instruction, a copy of which I enclose herewith.

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[1] Not printed.

[2] The regular blank issued by the Department with instructions for preparing claims.

I have [etc.]

Henry Lane Wilson.

[Inclosure.]

The American Ambassador to American Consular Officers in Mexico.

American Embassy,
Mexico, June 24, 1911.

The attention of the Embassy having been called to the fact that the Department of Government has requested of all Mexican officials throughout the country a full report as to the damages suffered by foreigners in their persons and property, as a consequence of the recent revolution, desires to say to the American Consular officers in Mexico that if they should be called upon by the State Governors or other Mexican officials for information relative to the damages suffered by American citizens, they should comply with the request by furnishing a list of such cases as have come to their knowledge, stating at the same time that such action is purely provisional, as all discussions relative to claims must necessarily be carried on by the Embassy at Mexico City, which reserves all rights of reclamation for damages suffered, pending the receipt of definite instructions from the Department of State at Washington.

Henry Lane Wilson.

File No. 412.00.

The Secretary of State to the American Ambassador.

No. 398.]

Department of State,
Washington, June 27, 1911.

Sir: The Department has received your No. 634, of the 7th instant, with reference to the desire of the diplomatic representatives accredited to Mexico to take concerted action in bringing the claims of their respective nationals to the attention of the Mexican authorities with a view to securing prompt action and the settlement of all claims upon the same basis, thus obviating any complaints of favoritism or special consideration on the part of those claimants who may think that they have not been properly indemnified. In this connection you enclose a copy of a note from the Spanish Minister and state that he has since indicated to you that he has trustworthy information to the effect that the Mexican Government has already come to some decision which it is believed will satisfactorily dispose of the question.

The Department would like to receive a report from you in regard to what plans, if any, there may have been proposed, or any suggestions that may have been made among the members of the diplomatic corps with reference to this matter.

It may be observed in this connection that this Department hopes that a speedy and satisfactory settlement of the claims of American citizens may be effected, and for this purpose it is willing to acquiesce in any proper and adequate plan of adjustment.

I am [etc.]

P. C. Knox.

File No. 412.11/5.

The American Ambassador to the Secretary of State.

No. 692.]

American Embassy,
Mexico, June 30, 1911.

Sir: I have the honor to acknowledge the receipt of the Department's instruction No. 376 of the 16th instant, relative to the preparation of claims by American citizens for damages resulting from the late revolution, and to say that I have complied with the directions therein given.

I enclose to the Department a copy of a letter which I have addressed to the forty-three claimants who have already filed claims with the Embassy, and also a copy of a list of these claimants with their addresses.[1] An identic letter, with the exception of the omission of the last two sentences, will be sent to all new claimants.

I presume the Department has instructed all American consular officers in Mexico in the matter of the preparation of claims, and for this reason I have said nothing to them with regard thereto.

I have [etc.]

Henry Lane Wilson.

[Inclosure.]

The American Ambassador to American Claimants.

American Embassy,
Mexico, June 30, 1911.

Sir: Acting under instructions from the Department of State at Washington with regard to American claims against the Government of Mexico growing out of the recent revolution, I inclose to you a copy of a circular prescribing the manner in which claims should be prepared. Your attention is called to the great importance of conforming as nearly as possible to the rules of this circular, and you are advised to strengthen your claim in any way in which in your judgment this may be done. On receipt of a claim prepared in accordance with this circular the matter will receive careful attention by the Department of State.

It is suggested that even if your claim has already been presented, it will be greatly to your advantage to prepare such claims anew, so as to conform to the provisions of the circular. This will greatly aid in expediting its treatment.

I am [etc.]

Henry Lane Wilson.

File No. 412.00.

The American Ambassador to the Secretary of State.

No. 712.]

American Embassy,
Mexico, July 6th, 1911.

Sir: I have the honor to acknowledge the receipt of the Department's instruction No. 398 of June 27th last, in which I am instructed to report relative to such plans as may have been proposed or such suggestions as may have been made with reference to the question of claims growing out of the Mexican revolution by members of the resident Diplomatic Corps.

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[1] Not printed.

Since the agitation and discussion among the diplomatic representatives which occurred immediately after the creation of the Mexican Claims Commission there seems to have been a disposition manifested not to proceed hastily, but to await developments which may reveal the purpose and policy of this Government relative to the question of the settlement of claims.

A temporary Court of Claims, of excellent personnel, has been organized and is expected to open its sittings in the near future, giving preferential consideration to the Chinese claims, which are vastly greater in number and pecuniary size to those of any other nation. A copy and translation of the rules of procedure of this Claims Commission is transmitted herewith to the Department, and I think it advisable that I should be instructed, at as early a date as is convenient, as to what attitude the Embassy shall take toward this Claims Commission and in what manner it shall advise American claimants.

In the meantime, the Embassy is taking steps to ascertain the names of all American claimants and is instructing them as to the form in which their claims shall be prepared for presentation.

I have [etc.]

HENRY LANE WILSON.

[Inclosure.—Translation.—Extracts.]

Rules of the Mexican Claims Commission.

The Constitutional President ad interim of the Republic, exercising the powers vested in him by Section I, Article 85, of the Federal Constitution, and in accordance with Article 2 of the Decree of May 31 last, has seen fit to issue the following:

RULES OF THE CONSULTATIVE CLAIMS COMMISSION.

ARTICLE I. In accordance with Article 2 of the Decree of May 31 last, a Consultative Commission shall be established in the City of Mexico, beginning July 1st of this year, which shall have charge of the examination and elucidation of claims made against the National Treasury because of injuries to the private estate of persons or for damages directly growing out of the revolution of November, 1910; and to consult with the Department of Finance with reference to the legal foundation or nonfoundation of said claims, and upon the the amount of the indemnity, if any, to which claimants may be entitled.

Articles II to VII concern the organization, manner of voting, place and time of meeting, etc.

ARTICLE VIII. All claims shall be submitted in writing, accompanied by the proper proofs, and shall be received from the 1st day of July to the 30th of September of this year. After the expiration of this term no administrative cognizance shall be taken of any claim.

ARTICLE IX. Claims shall be registered and taken up in the order of their filing with the Commission; and when several of them are filed at the same time they shall be given the alphabetical order of the last names of the claimants.

ARTICLE X. The Secretary shall keep a register [etc.].

ARTICLE XI. Claims growing out of forcible occupation, supply of money, arms, horses, or effects, or from loans exacted by the chiefs of the revolution, shall be submitted with the proper orders, certificates of delivery, receipts, and other documents proving the claim.

ARTICLE XII. The preparation of the records up to the time when they are ready for decision shall be made by means of instructions given by one of the members of the Commission, and to that end the business shall be divided among the members.

ARTICLE XIII. When the claimants do not prosecute their claims personally but through attorneys, the capacity of the latter shall be proved by a duly certified power of attorney, regardless of the amount of the claim.

ARTICLE XIV. The claimants shall have the right to ask for a fixed term within which to file proof, which shall not exceed two months from the date on which such term is fixed. During such term all proofs usually contemplated by the law, except those of interrogatories, may be submitted, and in due time they shall be considered in accordance with the provisions of the Code of Civil Procedure of the Federal District. The term of proof shall not be limited for the Commission, and therefore as long as it remains in existence it shall have the right, at any time prior to rendering its decision in any case, to institute such inquiries therein as it may deem advisable.

ARTICLE XV. The Commission may also accept any means of proof different from those provided in the above-mentioned Code of Civil Procedure which, in its judgment, may be reasonably sufficient to cause conviction concerning the concrete case in question, leaving the estimate of such means of proof to the reasonable opinion of the Commission; but the fact that they may be taken into consideration in some concrete case shall not serve as a precedent which will necessarily cause such means to have the same effect in other cases.

ARTICLE XVI. All public offices of the federal, states, or municipal government, as well as the chiefs of the army and of revolutionary forces, shall be required to supply information, data, and copies of such documents as the Commission may ask in order to establish and ascertain claims.

ARTICLE XVII. In case any proof or proceeding is to be had outside of the capital the Commission may appoint for the purpose any authority of the Republic, be it federal or local; and if, because of the amount of the claim or for some other reason, the Commission considers it advisable, it can designate the secretary or any of the commissioners to go to the place in question for the purpose of said proceeding, receiving, in case it is necessary, through the Department of Finance, the assistance of the federal or local authorities.

ARTICLE XVIII. The decisions reached by the Commission during the course of the case shall be personally brought to the attention of the interested party, if the latter appears at the office within three days from the date in which they are passed, or, in case the party does not appear, he shall receive information in writing from the secretary, who shall address his communication to the domicile mentioned for that purpose in the first application. In the absence of a given domicile notices shall be published in the "Diario Oficial."

ARTICLE XIX. When there may be any reason to suspect that false proofs or documents have been submitted and, in general, that a punishable act has been committed, the case shall be brought to the attention of the proper authority, suspending all action and reporting the case to the Department of Finance to the end that it may prescribe such action as may be proper.

ARTICLE XX. When the term of proof has expired, there being no further proceedings, the record shall be placed at the disposal of the claimant in the Office of the Commission to the end that if he sees fit, he may allege in writing, within a term of fifteen working days, whatever he may consider favorable to his interests. At the expiration of the fifteen days' term, the Commission shall subject the case to discussion in connection with the decision submitted by such member of the Commission as may have taken cognizance of the matter, without prejudice to the right which all the other commissioners shall have to personally study the record before voting, if they so desire.

ARTICLE XXI. The final report rendered by the Commission in each case shall be made in the usual form for legal decisions and shall close with concrete conclusions concerning the propriety or impropriety of the claim and the amount, if any, of the indemnity to be paid the claimant. If from the examination of the claim it would appear that a solution strictly in accordance with the law is not possible, the Commission shall so state it in its report and shall propose to the Department of Finance such equitable bases as in its judgment may be adopted to effect a settlement with the party in interest.

ARTICLE XXII. When the records are completed, with the report of the Commission, their originals shall be sent to the Department of Finance for such definite decision as may lie.

ARTICLE XXIII. The Commission shall end its labors no later than December 31 of the present year.

ARTICLES XXIV to XXVI. [Pay of members and employees of the Commission.]

MEXICO, *June 30, 1911.*

MADERO,
Secretary of Finance.

File No. 412.11/5.

The Acting Secretary of State to the American Ambassador.

No. 422.]

DEPARTMENT OF STATE,
Washington, July 12, 1911.

SIR: The Department has received your No. 692 of the 30th ultimo in which, in connection with the preparation of claims [etc.].

Your action in this matter is approved by the Department, and in accordance with your request fifty copies of the claims circular are herewith enclosed, together with a copy of an identic instruction sent to the consular officers in Mexico.

You are instructed to advise persons communicating in the future with the Embassy in regard to claims, in the sense of the enclosed instruction.

You will retain two copies of each of the claims, prepared in accordance with the Department's claims circular and filed in the Embassy, and forward the other copy to the Department. On receipt of instructions from the Department you will transmit a copy of each claim to the Foreign Office. In the meantime you will, in cases where such action has not already been taken, submit a brief statement to the Foreign Office in regard to each claim which has been filed in the Embassy, setting forth the name of the claimant, the amount of the claim and the grounds on which it is based.

In this connection you are referred to the Department's instruction No. 376 of June 16, 1911, which you will observe, owing to recent developments pertaining to the matter of the settlement of the claims in question, is slightly modified in so far as concerns, first, the information which you will furnish persons addressing you in regard to claims, and, secondly, the action to be taken by you with reference to papers filed in the Embassy by claimants.

I am [etc.]

HUNTINGTON WILSON.

File No. 412.00/2.

The Acting Secretary of State to the American Ambassador.

No. 424.]

DEPARTMENT OF STATE,
Washington, July 13, 1911.

SIR: The Department has received your No. 692 [672] of the 23d ultimo, enclosing copy of an instruction addressed by you to the consular officers in Mexico relative to the course to be pursued by them if they should be called upon by the State Governors or other Mexican officials for information in regard to the damages suffered by American citizens in consequence of the recent revolution.

In approving your action in this matter the Department desires to call your attention to instructions which have been issued by it to consular officers, a copy of which has been sent to you, together with further instructions as to the Embassy's action.

I am [etc.]

HUNTINGTON WILSON.

File No. 412.11/8.

The American Chargé d'Affaires to the Secretary of State.

Serial 734.]

AMERICAN EMBASSY,
Mexico, July 20, 1911.

SIR: I have the honor to refer to the Department's instruction No. 376 of the 16th ultimo, relative to American claims growing out of the recent revolution in this country, and to transmit to the Department a copy in translation of a note just received from the Mexican Foreign Office, requesting to know whether it is desired that claims that have been presented by this Embassy be submitted to the consultative claims commission, the organization of which was reported to the Department in the Embassy's despatch No. 657 of the 15th ultimo.

I beg to request, prior to replying to the Mexican Foreign Office, that the Department will give me an expression of its views in this matter. I take it that the Department cannot consider itself bound with regard to claims by the actions or decisions of this committee, and do not wish, in the absence of instructions, to take any step that would indicate an intention to abide by or subscribe to the committee's resolutions.

I have [etc.]

FRED MORRIS DEARING.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

No. 1830.]

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, July 13, 1911.

MR. AMBASSADOR: The Consultative Claims Commission has addressed this Department asking for such claims as may have been filed with it on account of damages caused by the recent revolution.

In order to reach the proper conclusion, I beg your excellency to have the kindness to advise me whether it is your desire that such claims be submitted to said commission.

I take the liberty to say to your excellency that the commission was created for the sole purpose of affording private parties, whether natives or foreigners, facilities of procedure, because of its simplicity and brevity, and also with reference to the decision in each case, as it will not be necessary that it be based on legal provisions upon the matter, since all elements of a probatory character, even those of a moral order, will be accepted as decisive.

The decisions of the commission will not prevent the persons in interest when they disagree from resorting to the courts in defense of their rights.

I avail [etc.]

BARTOLOMÉ CARBAJAL Y ROSAS.

File No. 412.11/14.

The American Chargé d'Affaires to the Secretary of State.

No. 762.]

AMERICAN EMBASSY,
Mexico, August 2, 1911.

SIR: With reference to the general subject of American claims growing out of the recent revolution, and especially to the Department's instruction No. 422 of the 12th ultimo, I have the honor to enclose to the Department a copy of an amended letter based upon the Department's most recent instructions, which is being sent to all American claimants as occasion demands. I beg to enclose also a sample copy of the notes comprising the brief statement of each claim on file at the Embassy, which the Department directed me to submit to the Foreign Office, and also a copy of the usual reply made by the Foreign Office to each note that is sent in.

I have [etc.]

FRED MORRIS DEARING.

[Inclosure 1.]

The American Embassy's revised circular claims letter.

AMERICAN EMBASSY,
Mexico, July 31, 1911.

SIR: The Embassy has received your recent letter in regard to your claim for damages suffered on accunt of the late revolution and will in due time bring your claim to the attention of the Mexican Government. In the meantime, in accordance with instructions from the Department of State at Washington, I enclose to you a copy of a circular prescribing the manner in which claims should be prepared, calling your particular attention to the great importance of conforming as nearly as possible to its rules and the necessity of strengthening the evidence of your losses in every way in which this may be done. Upon receipt of your claim properly prepared two copies thereof will be placed in the Embassy's files and the third will be transmitted to the Department of State, for its consideration and subsequent instructions in the matter to the Embassy.

The Department of State has been informed that the Government of Mexico has taken steps to create a commission to consider revolutionary claims, and directs the Embassy to notify all American claimants that if this information proves accurate and a satisfactory commission is organized it will be necessary, in all probability, for claimants to present their claims personally to this commission.

I am [etc.]

FRED MORRIS DEARING.

[Inclosure 2.]

The American Chargé d'Affaires to the Sub-Secretary for Foreign Affairs.

No. 850.]

AMERICAN EMBASSY,
Mexico, July 28, 1911.

MR. SUB-SECRETARY: Acting under instructions from my Government, I have the honor to submit to your excellency the following brief statement relative to the claim of the American Grocery Company S. A. against the Government of Mexico for losses growing out of the disturbances attendant upon the recent revolution. This statement will place your excellency in possession of all the essential facts concerning this claim.

As my Government has not yet determined precisely what will be its action in regard to claims, I beg to point out to your excellency that the submittal of this statement is not to be regarded as a presentation of such claim, and to say that formal presentation of the same will be made later when I shall have received the proper instructions from the Department of State at Washington.

Statement:

Claim of the American Grocery Company S. A.

Amount of claim—One hundred and forty pesos, ($140.00).

The American Grocery Company S. A. makes claim against the Government of Mexico in the above amount on account of the destruction of the plate-glass windows of its premises at Avenida 16 Septiembre 12, Mexico, D. F., by a lawless mob at about 9.30 p. m. on May 24th, 1911, and supports its assertion that the said windows were broken by the mob by the sworn testimony of five eyewitnesses. The cost of the windows destroyed is vouched for by the firm of E. Pelandini and Son, who are dealers in plate-glass for windows.

I avail [etc.]

FRED MORRIS DEARING.

[Inclosure 3.—Translation.]

The Sub-Secretary for Foreign Affairs to the American Chargé d'Affaires.

No. 152.]

Foreign Office,
Mexico, July 31, 1911.

Mr. Chargé d'Affaires: This office has received your note No. 850 of the 28th instant, relative to the claim that will be presented by the "American Grocery Company S. A." for damages suffered as a result of the disturbances occasioned by the late revolution.

In reply I have the honor to say to you that the matter has been duly noted and will be decided at the appropriate time in accordance with the principles of international law.

I have [etc.]

B. Carbajal y Rosas.

File No. 412.11/8.

The Secretary of State to the American Chargé d'Affaires.

No. 476.]

Department of State,
Washington, August 17, 1911.

Sir: The Department has received your No. 734 of the 20th ultimo, transmitting a note in which the Foreign Office asks you whether it is desired that claims which have been presented by the Embassy be submitted to the Consultative Claims Commission, and requesting instructions for your guidance in answering the inquiry.

Regarding the commission established by the Mexican Government, you will advise that Government that in view of the rule of international law requiring claimants against a government to resort to local tribunals for remedy in the matter of the wrongs which they alleged, the Government of the United States could obviously have no ground to object to the establishment of any appropriate tribunal or the endowing of any existing tribunal with the authority to hear and pass upon claims of American citizens for losses sustained during the recent disturbed conditions in that country, providing access to the court is easy and prosecution of the claims before the court is not made unduly onerous. The Government of the United States, therefore, would be inclined in the first instance to refer its citizens to any appropriately constituted tribunal authorized to hear and determine their complaints.

Obviously it follows as a necessary corollary from the rules of international law stated above that should the American claimants feel that they had not received justice at the hands of such tribunals so constituted, to which they had in good faith applied, it would be incumbent upon the Government of the United States to consider the measures it should take to correct any failure of any such tribunal to adjudge any given case in accordance with the principles of law and equity involved.

In view of these principles, American citizens will be instructed to present to and prosecute before the appropriately constituted tribunals any claims which they may have against the Government of Mexico and which may fall within the jurisdiction of such tribunals, the question of diplomatic representations in any given case being reserved for future consideration.

I am [etc.]

P. C. Knox.

File No. 412.00/4.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 489.] **Department of State,**
Washington, August 22, 1911.

Sir: The Department has received the Ambassador's No. 712 of the 6th ultimo transmitting [etc.].

With reference to the instructions requested by the Ambassador in this despatch, you are referred to the Department's No. 476 of the 17th instant, answering your No. 734 of the 20th ultimo.

I am [etc.]

Huntington Wilson.

File No. 412.11/14.

No. 518.] **Department of State,**
Washington, August 31, 1911.

Sir: The Department has received your No. 762 of the 2d instant, in regard to American claims [etc.].

In view of the fact that, as reported in the Embassy's No. 712 of July 6, 1911, a commission apparently has now been organized by the Mexican Government to consider claims, it would be desirable that in communicating with persons who may address the Embassy in the future in regard to claims a slight alteration in the statement respecting the claims commission should be made in the last paragraph of the letter which the Embassy is sending to claimants.

As claims filed in the Embassy are brought to the attention of the Mexican Government, although not formally presented to it, it seems appropriate that claimants should be advised of this fact. It is accordingly suggested that you alter the last paragraph of the letter addressed by you to claimants so that it may read as follows:

> The Department of State has been informed that the Government of Mexico has taken steps to create a commission to consider revolutionary claims, and directs the Embassy to notify all American claimants that, from the information in the possession of the Department in regard to the proposed organization and procedure of this commission, it will be necesary for claimants to present their claims personally before the commission. However, in order in the first instance to safeguard and conserve the interests of claimants, in accordance with the Department's instructions, claims filed in the Embassy will be promptly called to the attention of the Mexican Government.

In acknowledging receipt of claims transmitted to the Embassy, which have been properly prepared in triplicate, you will advise the claimants in regard to the disposition of their claims in the sense of the identic letter above referred to, whenever this has not already been done. Pending further developments in the matter of the settlement of claims care should be taken that claimants are fully advised regarding the status of their claims.

With reference to the note addressed by you to the Foreign Office, submitting a brief statement of each claim filed in the Embassy, you are instructed to eliminate from this statement any reference to the evidence relied on by the claimants to support their claims. It seems preferable that you should state in this note to the Foreign Office that final presentation of claims will be deferred pending the receipt by the Embassy of proper instructions from the Department, rather than that formal presentation of claims will be made later on receipt of instructions from the Department.

I am [etc.]

HUNTINGTON WILSON.

File No. 812.032/4.

The American Ambassador to the Secretary of State.

No. 948.]

AMERICAN EMBASSY,
Mexico, September 19, 1911.

SIR: I have the honor to transmit to the Department clippings from the Mexican Herald and El Diario Oficial, of this city, containing the text in English and Spanish of the message read by President de la Barra on the occasion of the opening of the first period of the Mexican Congress, on the 16th instant, for the fiscal year 1911–1912.[1] The attention of the Department is especially called to that portion of the message which relates to the attitude of the Mexican Government concerning the payment of claims growing out of the recent Revolution.

I have [etc.]

HENRY LANE WILSON.

File No. 412.00/14.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, September 20, 1911—8 p. m.

The President of the Claims Commission is said to have announced at one of the sittings that Mexican claims would be given preference, and that after these have been satisfied foreign claimants would be paid from the residue. This view is probably shared by the other members of the Commission. If the Department approves I shall address a note to the Foreign Office asking if the attitude of the President of the Commission has been correctly reported.

American claimants have not been notified formally by the Embassy of the sitting of the Commission, as the views of the Department on that point have not been communicated hither. Considerable confusion exists among American claimants owing to the fact that the Embassy, in the absence of definite instructions as to the ultimate action of the Department, has been unable to advise claimants with certitude.

WILSON.

File No. 412.00/14.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 22, 1911.

If you consider the information sent in your September 20, 8 p. m., to be well founded, you will immediately address a note to the

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[1] Printed in For. Rel. 1911, p. 517.

Foreign Office in the sense you suggest. Regarding reports of confusion of American claimants, the statement incorporated in Department's No. 518, August 31, should have sufficiently advised claimants regarding the presentation of claims to the Commission. Positive direction to present claims is unnecessary, as the Mexican Government may of right set up a tribunal to hear claimants; and it is impracticable because of the Department's lack of information as to whether the Commission's awards would be generally acceptable as doing substantial justice. You should furnish such information as soon as possible.

If you find the Commission making just and equitable decisions, and that insufficient time remains to enable the rest of the American claimants to present claims, and if the Foreign Office is then interrogated as proposed by you, add to such inquiry the statement that if the Mexican Government's views accord with those of the President of the Commission, it would seem fruitless further to resort to the Commission, and accordingly this Government will be obliged to take up American claims diplomatically, unless some other tribunal shall be promptly formed or empowered to consider on their merits alien claims arising from the recent disturbances; that if, however, the Mexican Government does not concur in the view of the President of the Commission, and foreign and Mexican claims are to be treated on the same basis, then this Government must request that the term of the Commission be extended so as to permit all American claimants to present their claims, it having been impossible heretofore for all of them to do so because of the unsettled conditions in Mexico that still exist.

But if you find the work of the Commission unsatisfactory by reason of generally unjust or inequitable awards or because of discrimination, you will then address the Foreign Office, stating the reported position of the President of the Commission, and that this Government can not under the circumstances consider the Commission as a proper tribunal for passing upon foreign claims, and that before taking up claims diplomatically the Department desires to know whether the Mexican Government contemplates the establishment of an adequate tribunal.

HUNTINGTON WILSON.

File No. 412.00/17.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, October 2, 1911.

In practical compliance with Department's September 22, 4 p. m., I addressed two notes to the Foreign Office, one calling attention to the insistent rumor relative to the views of the President of the Commission and stating that if these views were shared by a majority of the Commission my Government would regretfully feel compelled to advise American claimants not to resort thereto. To this note the Foreign Office has replied that it will investigate the report, but that the alleged views of the Commission's President were not in any event shared by the Government.

My second note requested an extension of time for filing claims to November first. The Foreign Office replies that the Government is disposed to grant this request and will give the Embassy a definite answer soon.

The Commission has recently been increased by two reputable members, which seems to increase confidence in it.

WILSON.

File No. 412.11/32.

The American Ambassador to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
Mexico, October 9, 1911.

The Foreign Office agrees to extend time for filing claims of American claimants, but does not desire to extend this privilege beyond American claims and therefore requests that any of these not already presented to the Commission be transmitted to the Foreign Office, which will thereupon bring them before the Commission in such a manner as not to permit the right of filing to some ten thousand Mexican claimants, consideration of which can be prevented by this method.

In view of the fact that three quarters of the American claims have not been filed with the Commission, I request instructions.

WILSON.

File No. 412.11/32.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 11, 1911.

Claimants who send their claims directly to the Department are being advised as follows:

> In case you have not, in accordance with the Department's suggestion heretofore given, already presented your claim against the Mexican Government to the Consultative Commission established by that Government for the hearing of such claims, the Department again advises you that the Mexican Government has constituted a Consultative Claims Commission, before which all claims against the Mexican Government for damages suffered by individuals or companies in connection with the recent political disturbances in Mexico may, in the first instance, be submitted. Moreover, you are advised that inasmuch as it appears that up to this time not all American claims have been presented to the Commission, and inasmuch as the time for filing the claims as fixed by the decree establishing the Commission has expired, the Department has arranged that such claims as have not yet been filed before the Commission may be submitted for its consideration by informal presentation through diplomatic channels. As two of the copies of your claim, as it has been filed in this Department, are now on file at the American Embassy at Mexico City the Ambassador will, upon specific request, unless you have already presented your claim to the Commission, file with the Mexican Foreign Office for presentation to the Commission one set of the papers already sent to the Embassy, with the distinct understanding, however, that the Ambassador can do nothing more than this, and that you must yourself, personally or by attorney, take all other needful measures in the premises. If you desire that your claim be thus presented

to this Commission through the informal use of diplomatic channels it will be necessary for you immediately to advise either the Department or the American Embassy in Mexico City by telegraph of your wishes. You will understand that by thus presenting your claim to the Mexican Foreign Office the Government of the United States does not pass upon the propriety, equity, justice, or legality of your claim. These questions are left for further consideration and final determination in accordance with the rules and principles of international law applicable and controlling, when, if at all, it shall become necessary to consider the question of formally presenting your complaint as a diplomatic claim. The Mexican Government has heretofore announced that if the parties appearing before the Commission are dissatisfied with the findings of that tribunal, as approved or modified by the Mexican Treasury, they may pursue their judicial remedies in the ordinary courts. Inasmuch as any diplomatic representations regarding American claims will, under the principles of international law which control such matters, almost surely involve the question of the exhaustion of local remedies as afforded by the Mexican Government, and inasmuch as a failure so to exhaust the local remedies will almost certainly be pleaded by the Mexican Government in bar of representations by this Government in behalf of any claim so situated, the Department again suggests to you the desirability, if not indeed necessity, of presenting your claim to this Consultative Commission. It is understood that the Commission is to be guided not only by technical legal considerations but also by the broad equities of the case, and therefore in determining the course to be followed you will obviously have in mind the legal character of your claim and whether or not, under the principles of international law involved, the Mexican Government can be regarded as under any positive duty to make compensation for the damages you may have suffered in the course of the recent revolutionary activities.

You will immediately so notify all claimants filing claims directly with the Embassy, and will direct all consuls who have received claims and sent them to the Embassy similarly and immediately to advise claimants. In informally presenting claims to the Foreign Office for submission to the Commission in accordance with the specific request of claimants you will reserve all rights hereafter to make diplomatic representations in regard to any claim concerning which the determination of the Claims Commission seems not in accord with those principles of international law, equity and justice which should control the disposition of the given case.

Adee.

File No. 412.11/37.

The American Ambassador to the Secretary of State.

No. 1019.]

American Embassy,
Mexico, October 21, 1911.

Sir: Referring to the Department's telegraphic instruction, I have the honor to transmit herewith copies in duplicate of a circular to American claimants asking compensation for injuries to person or property during the recent revolution, which is intended to be conformable to the Department's instructions therein contained.

I also transmit herewith duplicate copies of the form of note to the Foreign Office used in the transmission of claims, to be subsequently delivered to the Consultative Claims Commission.

I have [etc.]

Henry Lane Wilson.

[Inclosure 1.]

Circular to American Claimants.

American Embassy, Mexico.

This Embassy has been instructed by the Department of State at Washington to notify American claimants that in case they have not, in accordance with the Department's suggestion embodied in previous circular letters sent out by this Embassy, already presented to the Consultative Commission established by the Mexican Government their claims against that Government growing out of the recent revolutionary activities in this country, all such claims, either of companies or of individuals may, in the first instance, be submitted to this Commission, and that inasmuch as it appears that up to this time not all American claims have been presented to the Commission, and inasmuch as the time for filing claims, as fixed by the decree establishing the Commission, has expired, arrangements have been made for the filing of claims by informal presentation through diplomatic channels.

As two copies of each claim that have been prepared in accordance with the Department's circular and presented to this Embassy are now on file here, the Embassy will, upon specific request, file with the Mexican Foreign Office, for presentation to the Commission, one copy thereof, together with its accompanying documents, provided, of course, that such claim has not already been presented to the Commission through some other channel. In this connection, however, the Embassy desires to emphasize the fact that it can do no more than this, and that each claimant must, either personally or by attorney, take all other needful measures in the premises. Each claimant that desires the Embassy to take this action should immediately so advise the Embassy by telegraph, understanding, of course, that in so presenting claims to the Mexican Foreign Office neither the Embassy nor the Government of the United States passes upon the propriety, equity, justice, or legality of such claims. These questions are left for further consideration and final determination in accordance with the rules and principles of international law applicable and controlling, when, if at all, it shall become necessary to consider the question of formally presenting complaints of claimants through diplomatic channels as a diplomatic claim. The Mexican Government has already announced that if the parties appearing before the Commission are dissatisfied with the findings of that tribunal, as approved or modified by the Mexican Treasury, they may pursue their judicial remedies in the ordinary courts.

The Department of State further directs the Embassy to say that inasmuch as any diplomatic representations regarding American claims will, under the principles of international law which control such matters, almost surely involve the question of the exhaustion of local remedies as afforded by the Mexican Government, and inasmuch as a failure so to exhaust the local remedies will almost certainly be pleaded by the Mexican Government in bar of representation by this Government, in behalf of any claim so situated, it would seem desirable, if not indeed necessary, for claimants to present their claims to this Consultative Commission. It is understood that the Commission is to be guided not only by technical legal considerations, but by the broad equities of the case; claimants should, therefore, have in mind the legal character of their claims and whether or not under the principles of international law involved, the Mexican Government can be regarded as under any positive duty to make compensation for the damages suffered.

MEXICO CITY, *October 12, 1911.*

[Inclosure 2.]

Note transmitting claims.

File 620.
Serial ——.

AMERICAN EMBASSY, MEXICO.

The American Ambassador presents his compliments to his excellency the Sub-Secretary for Foreign Affairs and, acting under instructions from his Government and in behalf of and at the specific request of ——— ———, has the honor to transmit herewith a memorial of the latter's claim against the Mexican Government, growing out of the recent unsettled conditions in this country, and begs to request that this memorial be submitted to the Consultative Claims Commission before the first of November of the present year. In informally presenting to the Foreign Office, for transmission to the Consultative Claims Commission, the memorial enclosed herewith the American Ambassador reserves all rights to make diplomatic representations hereafter in regard to any claim concerning which the determination of the Consultative

Claims Commission seems not to accord with those principles of international law, equity, and justice which should control the disposition of the given case.

Mr. Wilson avails himself of this occasion to renew to his excellency Mr. Carbajal y Rosas the assurance of his high consideration.

MEXICO CITY, *October —, 1911.*

Enclosure as stated.

File No. 412.11/36.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, October 28, 1911.

The President refuses to grant a further extension of time for filing claims before the Claims Commission.

WILSON.

File No. 412.11/36.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 1, 1911.

The Department will discuss with confidential representative the question of extension of time for filing claims before the Claims Commission and advise you of the result.

KNOX.

File No. 412.11/39.

The Acting Secretary of State to the American Ambassador.

No. 613.]

DEPARTMENT OF STATE,
Washington, November 7, 1911.

SIR: The Department has received your No. 1026 of the 25th ultimo,[1] transmitting correspondence with the law firm of Coldwell & Sweeny, of El Paso, Texas, in regard to the presentation of the claims of several of their clients.

The Department approves the action taken by you in this case, in advising Messrs. Coldwell & Sweeny that no American rights will be sacrificed or imperiled by the presentation of claims for the action of the Consultative Claims Commission, as the United States has in no case waived the rights of any American citizen to present his claims through the diplomatic channels should the findings of the Commission not be in accordance with the principles of justice and international law.

The Department desires at the same time to express a word of caution with reference to the general matters treated of in your letter of October 23, 1911, to Messrs. Coldwell & Sweeny. You will appreciate the necessity of saying nothing to any claimant which could be in any way susceptible of an interpretation that this Government had espoused any particular claim, since the facts are that the Department has not yet attempted to pass upon either the merits or the legal sufficiency of any of the claims which have heretofore been presented to it, these questions being left to consideration when, if ever, it becomes necessary to consider the matter of presenting the claims diplomatically.

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[1] Not printed.

In connection with American claims for losses at the hands of revolutionists, you should have also clearly in mind the principle which has been acted upon by our own Government, namely, that where an armed insurrection has gone beyond the control of the parent government, the general rule is that such government is not responsible for damages done to foreigners by the insurgents. (See Moore's Digest, vol. vi, p. 949 et seq.) The Department is under the apprehension that this principle may be found to operate unfavorably towards a great many American claims if they are to be pressed diplomatically or to be taken before an international claims commission. It is for this reason that it has somewhat urged that American claimants should present their claims to the Consultative Claims Commission, in the hope that they might receive something from the Commission, even though their claims were not such as under the principles of international law would require a compensatory payment by the Mexican Government.

Another matter which is brought out by the letter of Messrs. Coldwell & Sweeny and which you should carefully note in your correspondence upon claims, is the apparent effort to place upon this Department and upon the Embassy the onus of advising American claimants regarding the steps which they should take for the settlement of their claims, as also of advising them of the tribunals which Mexico may establish for the hearing and determining of such claims. This, of course, is an erroneous view. Having in mind the principle which requires that (save as to certain rather well-defined exceptions not, it is believed, applicable to the present situation) a claimant must, before invoking diplomatic assistance, exhaust his local remedies, it is quite obviously necessary for American claimants themselves to make sure they have met this requirement and they, and not the Department or the Embassy, must in the first instance become fully advised regarding the tribunals to which they should resort. Neither the Department nor the Embassy can be charged with any such responsibility.

I am [etc.]

ALVEY A. ADEE.

File No. 412.11/36.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 21, 1911.

Renew request for extension of time for filing claims before Claims Commission to January 1, 1912. The time originally fixed seems to the Department too short, as claimants naturally first presented their claims to this Government, and some have not been able to present claims after receiving definite information regarding the Commission, and furthermore the Department has been unable, after consulting claimants concerning their desires as to submission of claims to the Commission, to forward them to the Embassy within the fixed time. The short extension suggested by the Department would, in its opinion, permit the presentation of claims by all those wishing to present them, and would avoid any possible difficulties regarding them.

KNOX.

File No. 412.11/42.

The American Ambassador to the Secretary of State.

No. 1083.]

AMERICAN EMBASSY,
Mexico, November 22, 1911.

SIR: I have the honor to report to the Department that this Embassy is at present being actively and repeatedly requested by American citizens having claims against the Mexican Government for injuries to person or property growing out of the recent revolution, and by the attorneys for such American citizens as find it impossible to attend to the matter in person, to present and press their claims before the Mexican Government. In the absence of any instruction from the Department defining its attitude toward these claims, I am obliged to make reply to all communications of this nature by stating that the Embassy is awaiting instructions from Washington, and that whenever these are received all cases which have been properly executed and transmitted to the Embassy will receive its careful attention and earnest support. Under these circumstances I think it expedient to say to the Department that I believe a general instruction in the matter of claims should be sent hither as soon as may be compatible with a careful study of the interests and points involved.

I am informed that the payment of those claims which are adjudged just by the Consultive Claims Commission will be delayed for some time but that their payment will eventually be provided for in bill which will be submitted to the Federal Congress. I have, therefore, thought it best to defer urgent action in connection with any special case until all claims shall have been filed with this Embassy and have received the approval of the Department, and I further believe that all American claims which have not been submitted to the Consultive Claims Commission should be submitted en masse through diplomatic channels. This method, if approved by the Department, will permit of all claims of a certain class or character being settled according to a single rule, and will, in my judgment, simplify and expedite the procurement of justice for American claimants. I earnestly trust that the Department may be able to give this matter its consideration very soon, as the Embassy is becoming involved in a large correspondence relative to claims, which is of an irritating and pressing character and to which it has at the present moment no authority to give satisfaction.

I have [etc.]

HENRY LANE WILSON.

File No. 412.11/41.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, November 25, 1911.

The period for filing American claims will be extended until December 31st. I shall immediately send an advisory circular letter to all claimants of record here. Claims will be presented through the Foreign Office and I shall at once file those here which were barred on account of late arrival.

WILSON.

File No. 412.11/41.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 27, 1911.

Convey to the Foreign Office the expression of this Government's appreciation of the courtesy of the Mexican Government in extending the time for the presentation of claims.

KNOX.

File No. 412.11/42.

The Acting Secretary of State to the American Ambassador.

No. 652.]

DEPARTMENT OF STATE,
Washington, December 2, 1911.

SIR: The Department is in receipt of your despatch No. 1083 of the 22nd ultimo, in which you report that [etc.].

With reference to your request for a general instruction in the matter of these claims, the Department refers you to its telegram of October 11, 1911, communicating to you the substance of a circular which was sent by the Department to persons who had transmitted claims directly to it, and instructing you to advise in the sense of this circular claimants who had filed claims with the Embassy. A copy of this circular is enclosed herewith.

Your attention is invited to the statements contained in this circular and likewise in that transmitted by the Embassy to claimants under date of October 12, 1911,[1] and to the effect that while the Embassy would on specific request from claimants present their claims informally to the Foreign Office for presentation to the Consultative Commission, the Embassy could do nothing more than this, and that it would be necessary for claimants, either personally or by attorney, to take all other needful measures in the premises. If further assistance is solicited from the Embassy by claimants whose claims have been presented by the Embassy to the Foreign Office for submission to the Consultative Commission, it would seem sufficient for the Embassy to call attention to the information already given such claimants in the circular letters referred to above.

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[1] Inclosed to the Department October 21.

The Department approves of your purpose, as stated in your telegram of November 25, 1911, to address a circular to all claimants on record in the Embassy, advising them of the extension of time granted by the Mexican Government for the presentation of claims of American citizens to the Consultative Commission. As copies of all claims prepared in triplicate in accordance with the Department's claims circular are now on file in the Embassy except such as have recently been filed in the Department, and as the Department is not advised as to what claims have been presented to the Consultative Commission through the Foreign Office on the requests of the claimants communicated directly to the Embassy, the Department considers it advisable that the Embassy inform of the extension of time for the presentation of claims all claimants on record in the Embassy from whom requests for the submission of claims to the Foreign Office for presentation to the Consultative Commission have not been received; such notification to include claimants who originally filed claims directly in the Department, copies of which claims have been transmitted to the Embassy.

The Department presumes that claimants who have recently filed claims with the Embassy have been furnished with copies of the Embassy's circular of October 12, 1911, or have been informed of the substance thereof, and that such claimants have been advised by the Embassy to notify it promptly if they desire to have their claims presented to the Foreign Office for submission to the Consultative Commission.

In view of the position previously taken by the Department that claimants must personally prosecute their claims before the Consultative Commission, and in consideration of the fact that the rules of the Commission would seem to contemplate that method of procedure, the Department does not consider that it is in a position to adopt your suggestion that all American claims which have not been submitted to the Consultative Commission be submitted to it en masse through diplomatic channels. However, the Department will be glad to receive a further expression of your views in regard to this matter.

I am [etc.]

HUNTINGTON WILSON.

File No. 412.11/47.

The Secretary of State to the American Ambassador.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 8, 1912.

American claims. You will communicate with the Foreign Office informally in the following sense:

"A profound impression has been made in this country by news of Mexico's settlement of Chinese claims arising from the Torreón massacre. There is much criticism of this Government for what appears to those not familiar with the facts to be its failure to secure a settlement of American claims, particularly those resulting from the killing and wounding of American citizens on American soil at Douglas, Arizona, and El Paso, Texas.

"As is well known, this Government, desiring to embarrass as little as possible the Mexican Government in its present situation, has urged that all American claims should go before the specially established Mexican Claims Commission, even including the claims above specified although these stand on a peculiar footing different from that of any other claims against the Mexican Government since they involve a technical violation of American territory by Mexican forces.

"The Department has always desired and still desires to avoid making diplomatic representations regarding the Agua Prieta and Juárez incidents, but it now finds it necessary to bring these cases informally to the attention of the Mexican Government with a view to hastening the hearing thereof and the early allowance of a generous indemnity to all those injured at Douglas or El Paso and to the families of those who were killed there. Prompt attention to this matter by the Mexican Government would probably prevent congressional action here and so forestall the embarrassments that might be caused to both Governments by the agitation referred to."

Inform the Department of the attitude of the Mexican Government and state whether French, English, Spanish, and German claims are now being settled diplomatically or by reference to the Commission.

Regarding the killing at Alamo of American citizens, and referring to previous correspondence relative thereto, ascertain whether the promised fresh investigation has been completed; and say that this matter is also pressing here and that the information received by the Department indicates that the reports furnished the Mexican Government by its subordinate officers directly concerned in the matter are entirely erroneous, the Americans having been wantonly murdered; in view of all of which, the Department confidently expects that early steps will be taken to punish those guilty of committing the outrage and that the families of the murdered men will be properly indemnified.

KNOX.

File No. 412.11/48.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, January 10, 1912.

Department's January 8. Prior to receipt thereof I had been unofficially notified that the Consultative Claims Commission had decided not to consider claims for loss of life and for personal injury. I therefore addressed an informal note to the Foreign Office, in which I referred especially to the Douglas and El Paso claims and asked that the attitude of the Commission be defined. I have just received

Mr. Calero's informal reply, which says that after consultation with the Treasury his Government believes it will be satisfactory to have the Commission consider claims of this character as well as others. But I am of the opinion that consideration of these claims by the Commission will lead only to delay and irritation, and that such claims should be classified and then be made the subject of direct diplomatic representation, en masse and toutefois [sic]. Public opinion and the attitude of the diplomatic representatives here is at present decidedly unfavorable to the Commission; the representatives of France, Germany and Great Britain are now discussing joint action, identical with that taken by these powers against Cuba after the Spanish war. Four [?] Spanish cases for loss of life and personal injury have been rejected by the Commission; these might form a precedent for nearly all of our cases, except Douglas and El Paso. The only two British cases have both been rejected; the German cases for loss of life and for personal injury have been made the subject of diplomatic treatment; no French cases of this kind have been presented.

I shall await the Department's further instructions before making representations relative to the Douglas and El Paso cases; but with reference to the Alamo claims I shall immediately address the Foreign Office in the sense of the Department's instructions.

WILSON.

File No. 412.11/48.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 13, 1912.

You will make representations regarding Douglas and El Paso incidents as directed in Department's January 8. But in view of your report of the seeming attitude of the Mexican Government, you may if you deem it advisable make them in more urgent terms than the Department has indicated.

The Department desires information regarding the attitude of each of the other powers towards all classes of claims, not merely personal injury claims; also the general attitude of the Commission toward all classes of claims.

KNOX.

File No. 412.11/49.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY.
Mexico, January 16, 1912.

All Governments whose nationals have suffered property damages during the recent revolution have submitted claims to the Consultative Claims Commission either through their legations or by suggestion to the claimants to deal directly with the Commission.

All of them are submitting or have advised the submission of all classes of claims to the Commission, with the exception of China and Germany in cases of loss of life or of personal injury.

The Commission is working very slowly. My colleagues inform me that they are dissatisfied with both the lack of industry and the conclusions of the Commission. It is generally believed that it has adopted a policy of elimination rather than of adjudication. There is no system of classification nor any defined attitude except perhaps a disposition to pay vouchers signed by Maderista officers and to refuse to recognize damages caused by mobs or by rural guerilla bands.

No American cases have been settled. Two British cases have been thrown out on the ground of lack of jurisdiction. And yet the Minister for Foreign Affairs tells me that it will not be inappropriate for us to submit our cases to the Commission. This looks like playing for time rather than serious treatment.

I have addressed a strong note to Calero relative to the Alamo cases and have his reply, which contains no direct promise. I will send him today an additional and very forcible note on the frontier cases, and make a personal visit to the President to request preferential attention to these cases.

I recommend diplomatic treatment of the border and Alamo cases, which fall clearly within well-established precedents, and are likely to become matters of public discussion and perhaps criticism. I recommend that for the present the status quo relative to all other cases be maintained.

WILSON.

File No. 412.11/50.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 17, 1912.

Yesterday I presented, very earnestly and insistently, the Alamo and frontier cases. The President inclined to place some of the responsibility on President de la Barra. He promised immediately to instruct Mexican consuls at El Paso and Douglas to ascertain the number and identity of persons injured or killed, with descriptions, circumstances, etc., and immediately to constitute a judicial inquiry of strictly impartial character into the Alamo cases; that immediately following the consuls' reports and the judicial inquiry the matter of settlement will be taken up and disposed of without delay.

I shall notify the Department when these steps are taken, in order that it may make sure that an exact and truthful account may in all the cases be brought to the knowledge of the investigating agents.

WILSON.

File No. 412.11/50.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, January 18, 1912.

Your January 16. In view of the facts that the Commission was established for hearing and adjusting all claims arising out of the revolution; that under the rules of international law local remedies should be exhausted; that this Government desired not to embarrass the Mexican Government any more than was unavoidable and therefore submitted the border and Alamo cases to the Commission—the Department deems it inadvisable, unless such a course be suggested by the Mexican Government, to attempt to negotiate a direct diplomatic settlement of those cases until the Commission shall have had ample opportunity to consider and pass upon the cases submitted to it or until it makes an award refusing compensation or naming an inadequate sum.

This attitude does not, however, preclude you from pressing diplomatically, and you will so press, for an early consideration of those claims by the Commission (which, being an administrative rather than a judicial body, apparently may be approached by the Executive without incurring the objection of interference with the judiciary) or by some other duly constituted body.

Your January 17. It is obviously proper that the Mexican Government should duly investigate the Douglas and El Paso incidents, but equally obvious that it should have done so long ago. President Madero himself has had months in which to do so, and probably no one knows better than he the facts involved; yet he has apparently done nothing. These points should be brought before him clearly in some appropriate way.

The Department can not determine from your telegram whether upon receipt of the consuls' reports the President will directly discuss a settlement or refer the reports to the Commission; either course will be satisfactory to the Department if executed without needless delay. This Government of course reserves the right to question the findings of the Commission if in its opinion the interests of justice demand it, and to press diplomatically these and all other claims if the Commission fail to take prompt and satisfactory steps. You will formally notify the Mexican Government of this intention.

Knox.

File No. 412.11/51.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, January 22, 1912.

With reference to the Alamo cases, Calero stated to me to-day that the killing of the three American citizens would be judicially investigated at once under the supervision of the Governor General, Lower California; that, following the report, the cases would be taken up directly with the Embassy, since the Consultative Claims Commission has no jurisdiction over cases of personal injury or loss of life occurring within Mexican territory.

With reference to the Douglas and El Paso cases, he said that the Mexican consuls there would be at once instructed to investigate them all, and would endeavor to settle directly with the claimants; in case of failure so to settle, the claims will be taken up here and, being considered of an international character since the injuries occurred on foreign soil, they would have immediate and preferential consideration after sending to Consultative Claims Commission. Calero thought this method would secure an early adjudication of both the Alamo and frontier cases. If the Department approves it, I should be instructed accordingly and the Department should take the appropriate action relating to the judicial investigation in the Alamo cases, and inform and instruct in the Douglas and El Paso cases.

WILSON.

File No. 412.11/51.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 5, 1912.

The Department is advising American claimants at Douglas and El Paso of the substance of your telegram of January 22 regarding the proposed attempt of the Mexican Government to settle through Mexican consular officers there, and is adding:

"In view of all the facts and circumstances of your case, including the possible saving of time and expense on your part, you will probably consider it advisable to endeavor to adjust your claim personally or by attorney with the consular representative of the Mexican Government authorized to act in the matter, provided a reasonably satisfactory settlement can be effected."

The following persons have been so advised: [naming them.] Should it appear from the Embassy's records that there are other claims growing out of the firing across the line, you will advise the claimants in the sense of the Department's communication to claimants referred to above.

It is advisable for you to submit to the Mexican Government the names and addresses of all these claimants, in order to assist the investigations of the Mexican consular officers.

KNOX.

File No. 312.11/94a.

The Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 12, 1912—5 p. m.

The Department receives occasional inquiries whether it is safe for Americans to remain in particular parts of Mexico. The policy of the Department now is to leave all Americans to follow their own judgment on this question, unless at any time a well-defined part of Mexico should become sharply differentiated from the rest of the country as peculiarly perilous. In that case Americans might be advised to leave that locality.

If, later on, contrary to the hopes of this Government, the situation grows steadily worse, the Department will consider the question of instructing all consular officers in Mexico to give public notice, through the press and otherwise, to all Americans in their district that, because of the prevailing lawlessness and the failure of the Government to preserve order and tranquillity, all American citizens are advised for the present to return to their own country and that claims for all losses sustained by this action, or through injury to American citizens or their property, will at the proper time be presented to the Mexican Government.

KNOX.

File No. 412.11/59.

The American Ambassador to the Secretary of State.

No. 1266.]

AMERICAN EMBASSY,
Mexico, February 19, 1912.

SIR: Referring to the matter of the American claims growing out of the recent revolution I have the honor to inform the Department that on February 15th I informally requested Mr. Calero, Mexican Minister for Foreign Affairs, to inform me what action had been taken therein. Mr. Calero stated that instructions had already been sent to the Mexican Consul at El Paso to institute an investigation into the matter of the claims growing out of the El Paso-Ciudad Juárez incident. He said that he had no confidence in the Mexican Consul at Douglas and was making a change in the consular representation there in order that the Mexican Government might have the benefit of an intelligent and thorough investigation into the facts. Mr. Calero thought that this contemplated change might be brought about in two or three days. Mr. Calero further said that he had referred the Alamo cases to the Minister of Justice, who is understood to be arranging the method of judicial investigation.

I have [etc.]

HENRY LANE WILSON.

File No. 412.11/59.

The Acting Secretary of State to the American Ambassador.

No. 750.]

DEPARTMENT OF STATE,
Washington, March 6, 1912.

SIR: The Department has received your No. 1266 of the 19th ultimo, containing the substance of your interview on the 15th [etc.].

You will continue to keep this matter prominently before the eyes of the Mexican Government and to impress them on all appropriate occasions with the necessity of making a liberal and early adjustment of all these claims.

I am [etc.]

HUNTINGTON WILSON.

File No. 412.11/67.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 8, 1912.

Congressmen from Texas state that Mexican consuls at El Paso and Douglas have made no apparent effort to adjust American claims and that there is fresh ground for dissatisfaction and probability of action by Congress. You will immediately call the attention of the Foreign Office to the promises it has made and point out the inability of this Department to understand the delay; you will urge immediate action and request that the Mexican Government instruct said consuls immediately to announce, in such a way that all claimants may know, that they are prepared to arrange the settlement of their claims at a specified time and place at which the claimants may present their claims either personally or by attorney. Also state that the Department is instructing the American consuls at Ciudad Juárez and Nogales to place themselves at the disposal of the Mexican consuls for the purpose of reaching the American claimants and securing such a presentation of their claims as may be appropriate.

Huntington Wilson.

File No. 412.11/64.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

American Embassy,
Mexico, March 9, 1912.

The Minister for Foreign Affairs says the delay in taking up the claims has been unavoidable owing to the extraordinary amount of work thrown on the consuls by the disorders. His plan involves the transfer of the consul at Laredo to Douglas and a consequent general shift of consular officers due to the incompetence of several. A reply from the Governor of Coahuila is expected to-morrow, after receipt of which arrangements will be completed.

Wilson.

File No. 412.11/64.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, March 11, 1912.

Watch the matter carefully and do all you properly can to avoid delay.

Huntington Wilson.

File No. 312.11/127.

The American Ambassador to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 18, 1912—12 noon.

An American citizen, George W. Conwell, who has some millions of dollars' worth of destructible property here, has asked me to define his course in view of possible attacks on property by mobs and the inability of the local authorities to render due protection. All his employees are Mexicans, and have an agreement not to attempt to defend the property in case of an attack, believing that his rights as a neutral would be prejudiced thereby.

Many other Americans are asking me the same question, and it may be of the greatest importance to have a rule clearly laid down by the Department with a view to any claims for damages which may be made in the future as a result of these disorderly occurrences. I therefore request that I be instructed.

I am permitting Americans to file inventories at the Embassy or at the Consulate General.

A rule should be established, if none exists, placing upon the Mexican Government the responsibility for acts committed by mobs or otherwise whenever it shall have received notice of dangerous conditions and a request for protection.

WILSON.

File No. 312.11/127.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 20, 1912—7 p. m.

Second paragraph of your March 18, 12 noon. The Department can not lay down any other rules than those provided by international law, which will doubtless meet situation. See volume 6, Moore's Digest, page 809 and following.[1]

All other points of your telegram are covered by a circular instruction to consular officers in Mexico, a copy of which will be sent to you to-morrow.

HUNTINGTON WILSON.

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[1] This refers to the subhead "Mob violence" in the chapter on "Claims," beginning with the following general conclusions:

"The question of a government's liability for injuries suffered by foreigners within its jurisdiction has on various occasions been discussed and determined in cases of mob violence. Such cases sometimes apparently present strong grounds of national liability because of the popular approval of the mob's action and the consequent immunity of the actors from prosecution and punishment. The rule, however, which has generally been maintained in argument, even if not in practice, is that while a government is bound to employ all reasonable means to prevent such disorders, it is not required to make indemnity for losses that may result from them, unless, as in the case of Art. XXXV of the treaty of 1846 with New Granada or as in the case of an attack on official representatives, there is a special obligation of protection."

Citations of cases follow, pp. 809–883.

File No. 312.11/162b.

The Acting Secretary of State to the American Ambassador.

No. 771.]

DEPARTMENT OF STATE,
Washington, March 21, 1912.

SIR: The Department incloses herewith, for your information, a copy of a circular instruction to American consular officers in Mexico under date of March 21, 1912, with regard to the collection of information regarding American properties in Mexico for use in connection with possible future claims for damages.

I am [etc.]

HUNTINGTON WILSON.

[Inclosure.]

Circular Instruction to Consular Officers in Mexico.

DEPARTMENT OF STATE,
Washington, March 21, 1912.

SIR: As a matter of general policy the Department instructs you to collect, so far as possible, and mail to the Department accurate statements regarding all American enterprises in your district—their character, value, extent, and amount of business done; income derived therefrom; and, if mines, the condition of development, normal quantum of work, whether mines pay dividends; and, generally, any information of use in establishing, in case of controversy, the real value of such enterprise if at any time any damages should result thereto.

You are also instructed, whenever it may be possible to do so, to make such investigation as is practicable regarding properties, if any, that may have been deserted already, with a view to ascertaining whether or not the circumstances really warranted abandonment; the amount of damages suffered through actual destruction and cessation of operations, as well as other facts that would be of value in establishing the claim, and you should endeavor specially to secure the names and addresses of such persons as may be serviceable as witnesses.

You are finally instructed to inform the Americans in your district with whom you have means of communicating that should they at any time by any unforeseen turn of local events be actually compelled, for their personal safety, to abandon their property and holdings, in order later to substantiate whatever claims for damages they may wish to make they should as soon as possible, in the event they decide that they really must leave their properties, prepare in the form of a sworn certificate as complete an inventory as possible, which should be supported by the affidavits of two witnesses if they can be obtained, and also a concise but comprehensive statement as to the reasons for the abandonment, setting forth particularly the fact, if it be a fact, that they could get no protection from the Mexican Government and that life and property were really menaced with destruction without it, and then such other facts as may be pertinent, presenting both inventories and statements to the consulate general for filing for future reference. All documents filed, but especially inventories, should be prepared in triplicate, one copy sent immediately to the Department for safe-keeping and to facilitate consideration of possible claims, and one to the Embassy.

In your communication with American citizens do not fail to make perfectly clear the positive fact that this is merely a measure of general policy and is entirely without other significance.

I am [etc.] (for Mr. Huntington Wilson),

WILBUR J. CARR.

File No. 312.11/147.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, March 23, 1912—11 a. m.

The citations from Moore, in Department's March 20, 7 p. m., seem to deny responsibility of a government for damages to foreigners by mob violence unless it can be shown that the government had not exercised due diligence. Your telegram February 12, 5 p. m., which I consider a contingent and pending instruction, indicates that under stated conditions you would hold the Mexican Government liable for damages without regard to the amount of diligence exercised. Does the Department hold that action contemplated in its February 12, 5 p. m., changes the status of American claims?

WILSON.

File No. 412.11/71.

The American Ambassador to the Secretary of State.

No. 1327.]

AMERICAN EMBASSY,
Mexico, March 23, 1912.

SIR: As a result of the continued disturbed state of this country the Embassy is in almost daily receipt of enquiries from citizens of the United States, who have suffered loss and damage to their properties, concerning what action they shall take in the matter of their claims against the Government of Mexico.

I have the honor to request that the Department of State instruct the Embassy in the premises. At the present time I am treating these cases precisely as they were treated in the last revolution.

I have [etc.]

HENRY LANE WILSON.

File No. 312.11/147.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 30, 1912.

Department deems it inadvisable at present further to elaborate the subject of your telegram of March 23, 11 a. m.

HUNTINGTON WILSON.

File No. 412.11/75.

The Mexican Ambassador to the Secretary of State.

No. 1235.]

MEXICAN EMBASSY,
Washington, April 1, 1912.

EXCELLENCY: In compliance with the instructions received from my Government I have the honor to inform you that Mexico has named commissioners at El Paso, Texas, and Douglas, Arizona, to attend to the claims for damages caused during the combats that occurred at Ciudad Juárez and Agua Prieta.

I have [etc.]

GILBERTO CRESPO Y MARTINEZ.

File No. 412.11/75.

The Acting Secretary of State to the Mexican Ambassador.

No. 149.]

DEPARTMENT OF STATE,
Washington, April 5, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 1st instant, from which the Department is gratified to learn that your Government has appointed commissioners at El Paso, Texas, and Douglas, Arizona, to attend to the damage claims arising from the battles that occurred at Ciudad Juárez and Agua Prieta; and in reply I beg to say that this Government earnestly hopes that this matter will be settled with the least possible delay.

Accept [etc.]

HUNTINGTON WILSON.

File No. 412.11/71.

The Acting Secretary of State to the American Ambassador.

No. 790.]

DEPARTMENT OF STATE,
Washington, April 8, 1912.

SIR: The Department has received your No. 1327, of the 23d ultimo, stating that you are receiving [etc.]

In reply you are advised that you will, in the first instance, upon notice of injuries or threatened injuries to American citizens, at once make appropriate representations to the Mexican Government, with all reservations as to future action; you should then send a claims circular, following generally the course outlined in Department's instructions of June 16, 1911, relative to claims arising out of the so-called Madero Revolution.

It would also doubtless be well, in connection with the procedure last referred to, to invite, for their guidance and information, the attention of the claimants to the following principles of international law: That a claimant against a foreign government is not generally regarded (subject to certain exceptions not at present necessary to consider) as entitled to diplomatic intervention by his own government until he has exhausted his legal remedies in the courts of the country against which he makes the claim; and that a government is not, as a general rule, considered to be responsible for damages caused to alien residents by revolutions when the revolutionary disturbances have passed beyond the control of the parent government.

I am [etc.]

HUNTINGTON WILSON.

File No. 412.11/85.

The American Consul at Ciudad Juárez to the Secretary of State.

No. 132.]

AMERICAN CONSULATE,
Ciudad Juárez, April 8, 1912.

SIR: I have the honor to report with reference to instructions[1] of March 8 and April 2, and referring to the matter of assisting the Mexican Consul at El Paso in securing an adequate presentation and settlement of the claims of American citizens and injury inflicted upon them during the Madero fight at Juárez.

The said Mexican Consul has notified the claimants and their attorneys through the press and by personal notice of his readiness to take up the investigation of said claims, and requested them to present the same together with such evidence as they have for the establishment of the justice of the claims, etc.

On April 5, 10 a. m.—time appointed for one of the claimants—I was at the Consulate at El Paso. The attorney in the case, after being called by phone, appeared. His client being a Chinaman, but was not present, and was represented to be in Los Angeles. The claimant alleges that he was shot the day of said battle, and injured to the extent of $20,000. The attorney, however, presented no evidence to prove the allegations, and admitted his inability to show that his client was a citizen of the United States, but claimed that inasmuch as the Chinaman had resided at El Paso for several years [he] was entitled to the protection of the United States, etc.; to which the Mexican Government [Consul ?] dissented and said that he could entertain the case only on its coming through the Chinese Legation. And thus the day's work was ended.

On April 8th, 10 a. m., a case having been called for that time, but the attorneys in this case by phone advised the Consul that they were too busy in court and could not take up the case.

In this connection I will state that it has come to my knowledge unofficially that it is agreed among several, if not a majority of the attorneys representing these claimants, that they do not submit their cases to the said Mexican consul for adjustment, preferring (as I am led to believe) to wait for the commission provided for in the Joint Resolution presented by Representative Smith, of Texas, in the House of Representatives.[2]

The Mexican Consul will, however, continue to invite the claimants, agents, or attorneys to present their claims, and will endeavor to have a full and concise legal record of the facts in each case made in both languages. He also states that he is authorized to make settlement, and, if able to do so, to liquidate without delay.

I have [etc.]

THOS. D. EDWARDS.

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[1] Not printed.

[2] House Joint Resolution 255, "directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amounts due, if any, and press them for payment." It was introduced by Mr. Smith of Texas February 27, 1912, referred to the Committee on Foreign Affairs and ordered to be printed; reported back to the House April 15, 1912, by unanimous vote, without amendment and with recommendation that it pass (House Report No. 556, 62d Congress, 2d Session).

File No. 412.11/85.

The Secretary of State to the American Consul at Ciudad Juárez.

No. 108.] DEPARTMENT OF STATE,
Washington, April 23, 1912.

SIR: The Department has received your despatch No. 132 of the 8th instant in regard to the adjustment of the claims of Americans against the Mexican Government by the Mexican Consul at El Paso, Texas, and the fact that you have been informed unofficially that it is agreed among several, if not a majority, of the attorneys representing the claimants that they will not submit the cases to the Mexican Consul for adjustment but wait for the commission provided for in the Joint Resolution presented by Representative Smith of Texas.

The Department has informed Representatives William Sulzer, W. R. Smith, J. N. Garner and W. G. Sharp that it considers that this reported course on the part of such attorneys would be most unfortunate if carried into effect, since in view of the apparently genuine desire of the Mexican Government to endeavor to effect an early settlement of these claims, it would seem that the American claimants should in the first instance submit their claims for consideration to the representatives sent by the Mexican Government for this purpose. Their failure to take advantage of this opportunity can scarcely result in anything other than prejudice to the claimants in the eyes of the Mexican Government. Moreover, such failure to act would, in the opinion of this Department, be entirely unwarranted and would lay this Government open to the charge of not proceeding in this transaction with entire good faith.

I am [etc.]

For Mr. Knox:
WILBUR J. CARR.

File No. 412.11/111.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, June 6, 1912.

I am informed by the Minister for Foreign Affairs that all the border claims have now been examined. He considers that some of them are exorbitant and a few untenable. But in order to avoid Congressional action at Washington he wishes to pay the majority of the awards as soon as possible.

SCHUYLER.

File No. 412.11/111.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 7, 1912.

Express to the Minister for Foreign Affairs the Department's gratification at the early settlement of the border cases which is promised. Say that the Department has experienced great difficulty in postponing Congressional action until now, and has been able to do so only because it has given repeated assurances that the Mexican Government would make an early settlement.

You will informally suggest to the Minister for Foreign Affairs that in view of the fact that this Government has made no claim or, indeed, special point with reference to the clear violation of sovereignty involved in the most unfortunate transaction out of which the claims arise, and in view of the fact that the whole matter therefore is reduced to mere payment of damages which, from the standpoint of government, amount to a comparatively small sum, it would seem wise—and he will probably so decide upon further consideration—immediately to settle all these claims, which have such great potentiality for much embarrassment to, and even for differences between, the two Governments, and thus remove all cause for irritation arising out of such claims and put the people of the border—who have been considerably agitated over the course of this matter, as have also the American people generally—in a better frame of mind.

KNOX.

File No. 412.11/129.

The American Consul at Nogales to the Secretary of State.

[Telegram.—Extract.—Paraphrase.]

NOGALES, *August 1, 1912.*

None of the Douglas claimants have accepted awards. The statement has been made to claimants that if sums awarded are not accepted they will be deposited with Secretary of State at Washington, D. C., for distribution.[1]

DYE.

File No. 412.11/132.

The American Consul at Nogales to the Secretary of State.

[Extract.]

DOUGLAS, *August 2, 1912.*

SIR: I have the honor to report that Mr. Antonio Lozano arrived at Douglas July 29, 1912, and placed a notice in the local papers the same day asking the claimants to meet him the next day, July 30, 1912, at the offices of Richardson and Doan, between the hours of 2 and 8 p. m., to receive the amounts which had been awarded them as damages by the Mexican Government.

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[1] The statement referred to was sent to the Department on August 2, and consists of an open letter dated Douglas, July 30, 1912, from D. A. Richardson, attorney for the Mexican Consul, Lozano, to the "Douglas Daily International" newspaper, in which it was published as an advertisement. The pertinent passage reads as follows: "It has been the rule in the settlement of cases between the United States and Mexico for the United States to deposit the amount of damages with the Secretary of Foreign Relations in the City of Mexico for distribution among the interested parties. In this case Mexico has sent its Special Representative [Lozano] here [Douglas] to pay the individuals in person. Should they refuse to accept their money, naturally it would be supposed that Mexico would do the same that the United States has done in all of their cases. That is, deposit the money with the Secretary of State at Washington for distribution." File No. 412.11/132.)

None of the claimants, however, came to claim the awards. Mr. Lozano, however, had been informed by Mr. G. W. Cass, of the firm of Cass and Sames, attorneys for the claimants, that the amounts awarded were not satisfactory to the claimants.

The procedure followed by the Mexican Government in dealing with these claims has apparently been as follows: After the investigation and cross-examination of the claimants and their witnesses, formerly [formally?] conducted by Mr. Antonio Lozano and his attorney, Mr. D. A. Richardson, a brief was prepared of each case, which was signed jointly by Mr. Richardson and Mr. Lozano and forwarded to the Mexican Minister of Foreign Relations at Mexico City.

Yesterday Mr. Lozano placed in my hands for perusal original signed copies of all these briefs. I have had copies made of those of the cases of R. H. Harrington and F. F. Williams, and submit herewith two copies[1] of each brief as showing the manner in which the cases have been prepared and presented to the Mexican Minister for Foreign Affairs. The others are prepared along the same lines, quote the same authorities, and vary only in the circumstances of the individual case and in the citation of former cases which are considered as precedents of the case in hand.

In all the other cases, as in the two submitted herewith, the damages are considered as arising from purely accidental causes, the Mexican Government is considered as the defendant, the claimant as the plaintiff, and contributory negligence on the part of the plaintiff is brought forward as a sufficient reason why no damages should be awarded.

In the other cases, as in these two, it is suggested, however, that while the claimant has no legal rights in the matter, if the Mexican Government desires to make him a present, such and such a precedent should be followed as to the amount of damages awarded. In each case the amount of damages which was eventually paid in the case cited as a precedent is the same amount which the Mexican Government is now offering to each claimant. This fact and the published statement[2] of Attorney Richardson (newspaper clipping of which is herewith enclosed) makes it evident that for all practical purposes the Mexican Government has left the settlement of these claims up to the present time entirely in the hands of Mr. Richardson.

However, it is also apparent from his entire conduct of the case that Mr. Richardson has approached the matter not in the spirit of an impartial investigator seeking to secure absolute equity in the cases, but rather in the spirit of a lawyer who is seeking to secure every advantage for his client and to reduce the amount of damages which his client must pay to as low a sum as possible.

As a consequence, practically all that seems to have been accomplished thus far is the presentation of clashing interests, possibly excessive amounts asked for on the one hand and on the other an effort to reduce these amounts to as low sums as possible.

Upon his arrival Mr. Lozano made public the amount of the awards and seemed much chagrined and surprised that not only were the amounts not accepted but that much adverse criticism appeared in the local press.

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[1] Not printed.

[2] See footnote, p. 964.

In this connection it would perhaps be well to state that I have made perfectly clear to all parties that I have no official connection with this matter whatever.

I have [etc.] **Alexander V. Dye.**

File No. 412.11/120.

The Secretary of State to the American Consul at Nogales.

[Telegram.—Paraphrase.]

Department of State,
Washington, August 3, 1912.

Referring to your telegram of August first, all Douglas claimants should be immediately informed by you that while the Department can not undertake to advise them whether or not they should accept the sums offered by the Mexican Consul in settlement of their claims against Mexico (for the reason, among others, that Congress now has before it a proposition contemplating the investigation of the El Paso and Douglas incidents by the War Department), nevertheless the claimants are under absolutely no compulsion to accept the proffered sums, and that if same are taken by them in satisfaction of their claims it must be with the understanding that it is done of their own free will and that any such attempted action by the Government of Mexico as depositing such sums with the Department would have no bearing whatsoever upon the amounts of their claims. You should point out that a long time ago the Department reserved the right, in the event Mexico did not make adequate offers of settlement to the complainants, to espouse the claims diplomatically.

Knox.

Resolution of Congress to investigate American claims against Mexico.

[Public Resolution No. 48.—S. J. Res. 103.]

Joint Resolution Directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in the year nineteen hundred and eleven.

For the purpose of such investigation the Secretary of War is authorized to appoint a commission of three officers of the Army, one of whom shall be an inspector general. Such commission shall have authority to subpœna witnesses, administer oaths, and to take evidence on oath relating to any such claim and to compel the attendance of witnesses and the production of books and papers in any such proceeding by application to the district court of the United States for the district within which any session of the commission is held, which court is hereby empowered and directed to make all orders and issue all processes necessary for that purpose, and said commission shall have all the powers conferred by law upon inspectors general of the United States Army in the performance of their duties. Such commission shall report to Congress, through the Secretary of War, as soon as practicable, its findings of fact upon each and all the claims presented to it and its conclusion as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon.

Approved, August 9, 1912.

File No. 412.11/133.

The Acting Secretary of War to the Secretary of State.

War Department,
Washington, September 3, 1912.

Having reference to the Joint Resolution of Congress approved August 9, 1912, which authorized this Department to investigate claims arising on this side of the Mexican border and growing out of the revolution in adjacent Mexican territory, a commission for the purpose indicated has been appointed.

It is understood that many of the claims in question have already been presented to the Department of State, and as the early conclusion of the investigation would be facilitated by any list of the claims now available, it is requested that this Department be furnished with such information of the kind indicated as may be on file in the Department of State, provided such action meets with your approval.

Leonard Wood.

Note.—On September 16, 1912, President Madero read his message to the Twenty-sixth Congress; in it he made references to the American claims; see "Messages of the President," p. 708.

File No. 412.11/183.

The Acting Secretary of State to the Secretary of War.

Department of State,
Washington, September 18, 1912.

Sir: I have the honor to acknowledge the receipt of your letter of the 3d instant referring to the Joint Resolution of Congress approved August 9, 1912, authorizing the War Department to investigate [etc.].

In reply I have the honor to enclose a list of claims of the character referred to in your letter, which have been filed in the Department. This list shows the names and addresses of the claimants.

I have [etc.]

Alvey A. Adee.

File No. 412.11/137.

The American Ambassador to the Secretary of State.

No. 400.] AMERICAN EMBASSY,
Mexico, September 24, 1912.

SIR: I have the honor to report that acting upon certain representations made by Mr. A. W. Heaton, one of the El Paso claimants against the Mexican Government, an inquiry was made at the Mexican Foreign Office as to the present status of the El Paso claims for damages growing out of the injuries inflicted by firing across the line from the Mexican side to the American side of the boundary, and that Mr. Lascurain replied that the claimants without exception had refused to enter into negotiations, preferring to await the action of the joint Senate and House Committee appointed by Congress to investigate into the matter.

I have [etc.]

HENRY LANE WILSON.

File No. 412.11/136.

The Acting Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, September 25, 1912.

SIR: I have the honor to acknowledge the receipt of a letter of the 18th instant from the Acting Secretary of State, replying to one from this Department of the 3d instant, in which is inclosed a list of the claims on file in the Department of State arising in the United States but growing out of the revolution in adjacent Mexican territory.

The commission of Army officers appointed under the joint resolution of Congress is ready to begin its investigation of the claims, but most of them are not yet filed. It will facilitate the beginning of work if your Department would transmit to the War Department the original petitions or memorials on file in your office, provided, of course, that such action is entirely consistent with the purposes of the Department of State in respect to the claims in question.

Very respectfully,

ROBERT SHAW OLIVER.

File No. 412.11/136.

The Acting Secretary of State to the Secretary of War.

[Extract.]

DEPARTMENT OF STATE,
Washington, October 8, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo in which [etc.]

I have the honor to transmit the requested memorials for your information and to ask that when they have served their purpose they may be returned for the files of this Department.

I have [etc.]

HUNTINGTON WILSON.

File No. 412.11/167.

Report of the Claims Commission appointed by the War Department in pursuance of the Joint Resolution of Congress, approved August 9, 1912.

War Department,
Washington, November 29, 1912.

The Adjutant General of the Army,
Washington, D. C.

Sir: The commission appointed by par. 27, S. O. 205, W. D., August 30, 1912, has the honor to submit herewith its report as required under the terms of Joint Resolution No. 48, approved August 9, 1912, for submission to the Congress through the Secretary of War.

For reasons of convenience and completeness, the resolution and order under which the commission acted are quoted in full. [Here follows the text of the Joint Resolution printed ante, and the text of Special Order No. 205, appointing the commission.]

Immediately after its creation the commission caused to be inserted in three issues upon alternate days in the Douglas, Arizona, Dispatch, and the El Paso, Texas, Times the following advertisement:

NOTICE.

Mexican Revolution Damage Claimants Take Notice!

Whereas the Congress of the United States passed a joint resolution which was approved August 9, 1912, and which authorized the Secretary of War to appoint a commission of three officers of the Army to make a full and thorough investigation of each and every claim of American citizens and of persons domiciled in the United States for damages to their persons or property within the boundaries of the United States by means of gunshot wounds or otherwise inflicted by Mexican federal or insurgent troops during the late insurrection in Mexico, in the year 1911; and

Whereas a commission has been duly appointed by the Secretary of War as above authorized, consisting of Lieutenant Colonel Francis J. Kernan, adjutant general; Major Eli A. Helmick, inspector general; and First Lieutenant Aristides Moreno, Twenty-eighth infantry; now all claimants falling within the above description are advised and requested to file their respective claims at the earliest practicable date with the said commission, at its office, room 258, War Department, Washington, D. C.

In filing the claims the following rules should be observed:

1. To be in duplicate, properly dated and signed and verified upon oath or affirmation and setting forth:
2. The age, place of birth, present residence, post office address and occupation of the claimant and his residence, nationality and occupation at the time his claim had its origin.
3. The amount of the claim, the time when and place where it arose, the kind or kinds and amount of property lost, destroyed or injured, or the kind and degree of injury if the claim is founded upon damage to person, and the facts and circumstances attending the loss or injury out of which the claim arises.
4. Whether the claimant was the sole and absolute owner of the property damaged when the damage arose, and whether he is now the sole owner of the claim; or if any other person is interested therein, the name and address of such other person and the nature and extent of his interest, and how, when, and by what means and for what consideration the transfer of interests or rights, if such was made, took place between the parties.
5. Whether the claimant, his representatives, or any person interested in the claim or any part thereof has ever received any indemnification for the whole or part of the alleged loss or injury, and if so, the nature and amount of the indemnification. and when, from whom, and by whom the same was received.

6. Documentary evidence, if submitted, should be duly authenticated, and the whole claim and its accompanying papers should be in the English language.

7. All claims hereunder must be submitted to the commission not later than October 10, 1912.

Thereafter the commission met in Washington, D. C., on September 30 and, after such preliminary work as could be done in this city, proceeded about October 10 to El Paso, Texas, where sessions were held to hear evidence in the claims arising there and thereabouts. Upon the completion of these hearings the commission proceeded on November 1 to Douglas, Arizona, where similar sessions were held to hear the evidence in support of the six claims having origin in that city. Afterwards the commission returned to El Paso, where two additional claims were presented and heard, and upon the conclusion of these cases the commission returned to Washington, D. C., where it arrived on the 14th instant. To complete the narrative of its movements it may be added that members of the commission visited Indianapolis, Indiana; Cleveland, Ohio; Atlanta, Georgia; and San Antonio, Texas, for the purpose of prosecuting inquiries incident to the complete investigation of the claims in question.

Twenty-five (25) claims in all were brought to the attention of the commission. Of these one, that of Mrs. Jennie W. Preston, had been settled to the satisfaction of the claimant through the Mexican consul at El Paso, and was never pressed upon the commission; while another, that of Miss Frances M. Reade, appeared upon its face to be beyond the scope of the commission's authority, having arisen in Mexico, and so was not investigated.

The remaining twenty-three claims were investigated as fully as practicable and they divide themselves naturally into two classes. The first class embraces two cases only, those of Converse and Blatt, and they are founded upon the alleged kidnapping of the parties upon American territory and their subsequent harsh treatment. The other class is that of injuries arising from bullet wounds and resulting in death or some disability. And this latter class embraces two distinct kinds of claimants, i. e., those claiming as American citizens and those claiming as domiciled aliens.

The commission, in considering the form of its report, arrived at the conclusion that it would conduce to clearness and to brevity if the general situation out of which these claims arose and the general considerations which should govern their disposition were treated in one comprehensive report, leaving the particular facts and conclusions as to each separate claim to be embodied in separate reports, one for each claim. That plan has been followed and this, which is the general report, is accompanied by the several individual reports, all taken together constituting the complete report of the commission as required by Congress.

It will be observed that the joint resolution requires the commission to report "its findings of facts * * * and its conclusions as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon."

In the execution of this part of its task the commission has become convinced that in some cases, all the relevant facts and circumstances being duly weighed, no compensation can be justly sought from or through the Government of the United States, notwithstanding the undoubted fact that injury was received; but as this report is advisory only and not conclusive, the commission has, in every case except in those of Conversé, Blatt and Brown, assessed the amount of damages believed to have been sustained. It follows from this procedure that if the conclusions of the commission as to the justice, equity, or propriety of the claims be not concurred in by the authority which must make final disposition thereof, the reports will enable a prompter settlement to be effected than might otherwise be the case.

I. THE CASE OF CONVERSE AND BLATT.[1]

The evidence and circumstances of these two cases are substantially the same. These claimants are both young native-born American citizens. Early in 1911 Converse met an agent of the Mexican revolutionary party, which party was acting under the general leadership of Francisco Madero, in Los Angeles, California. The two struck a bargain under which Converse was to enter the service of the revolutionary army in Mexico, to be commissioned therein and to receive a stated salary. Pursuant to this agreement Converse entered that service and continued in it until the day of his kidnapping, February 20, 1911. He was employed chiefly as a messenger between the insurgents operating near Juárez, Mexico, opposite El Paso, Texas, and their agents in the latter city. On one of his visits to El Paso he met Mr. Blatt, talked over the matter of his service and took Blatt to the revolutionary junta living in El Paso. As a result, Blatt went next day over into Mexico and joined the insurgent forces. He denies having made a definite bargain or receiving a commission, but he admits meeting the junta and as a result he crossed into Mexico and identified himself with the forces seeking the overthrow of the Díaz Government. He was assigned to the duty of gathering supplies by requisition or otherwise from the neighboring country for the insurgent forces. Converse had been sent to carry correspondence to the revolutionary agents in El Paso, and Blatt got permission to accompany him. Converse avows his intention to return and rejoin the insurgents, but Blatt declares he had had enough and proposed to remain in the United States once safely there. The two were observed and followed by Federal Mexican troops, but succeeded in crossing the Rio Grande at a point where it is the boundary, and having achieved as they thought a safe place they rested near the river on the American side. There they were set upon by Mexicans undoubtedly sent by the Federal Mexican officers, captured and taken across the river into Mexico. They were carried as prisoners from Guadalupe, Mexico, to Juárez, Mexico, and incarcerated in the common jail for two months. In passing from Guadalupe to Juárez the road crosses once or twice into American territory. Converse called the attention of his captors to this fact while on the United States side and demanded release, but was refused. At the end of two months both prisoners were released by the personal order of President Díaz. There were circumstances of humiliation and discomfort connected with their captivity. Upon these facts each claimant demands $50,000 by way of damages.

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[1] See For. Rel. 1911, pp. 605–614.

Mr. Converse, testifying in his own behalf, said:

> A. * * * I had no intention of joining the revolution until after I got to Los Angeles; I met in Los Angeles a man who was connected with the revolution and he offered me a position and a salary to drill the troops and to instruct the troops.
> Q. Did he profess to be an agent of Orozco or Madero or those connected with this revolution?
> A. He professed to be an agent of the Madero revolution; I knew that he was through a signed commission; I afterwards identified the signature of Mr. Madero.
> Q. And did you strike a bargain with him that you would become a drill-master?
> A. Yes, sir. (See p. 33 testimony in Converse case.)

Mr. Blatt, testifying in his own behalf said:

> Q. When had you entered the service?
> A. We went to the junta here in El Paso one evening; I met several of their emissaries here and the next morning—we stayed that evening—and the next morning we rode in a wagon to Ysleta, which is about 12 miles down the valley—we passed it yesterday—and stayed there that day; the following morning we rode on horseback to the town of Zaragoza, Mexico, where we joined the forces there.
> Q. Whose forces?
> A. The Mexican forces—the revolutionists—the Maderistas.
> Q. What sort of an engagement had you made with the junta here in El Paso?
> A. Nothing but to go over; I made my engagement merely to go over and did not ask anything of a reward, or what we would be paid, or anything; I just wanted to go over.
> Q. What was your purpose in going over to the other side?
> A. I often wonder at it now myself; that is it was wholly for the little excitement.
> Q. Were you going over there on a hunting trip?
> A. No, sir; going over there to fight.
> Q. Going for the purpose of joining the insurrectos were you not?
> A. Yes, sir.
> Q. You did join them?
> A. Yes.
> Q. Did they accept your services?
> A. Yes. (See testimony of Mr. Blatt, pp. 15–16, Blatt case.)

Section 9 of the Act approved March 4, 1909, provides that:

> Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people in war, by land or by sea, against any prince, state, colony, district, or people with whom the United States are at peace, shall be fined not more than $2,000 and imprisoned not more than three years.

Considering the testimony of the claimants in connection with all the other facts and circumstances brought out in the evidence, the commission is convinced that both these claimants were engaged, at the time when their claims had their origin, in violating the neutrality laws of their own country. If this be so, they are barred from asking that Government, whose laws they were violating, to take upon itself the task of seeking compensation for any damage or injury which may have come to them primarily as a result of their own wrongdoing.

In the case of the Monitor, where a claim against the Japanese Government was in question, Mr. Bayard, Secretary of State, said:

> Clearly, therefore, this Department is precluded from pressing in any manner upon the attention of a foreign government a claim growing out of transactions obnoxious to the laws of the United States, or possessing other features that forbid its approval and promotion by the official representative of this Government. (Moore's Int. Law Digest, 6, p. 620.)

And again the same Secretary, in reference to the claim of one Pelletier against Haiti, said:

> On the general question of turpitude of cause of action as barring the present claim, I am now prepared to give an emphatic, and, I trust, final decision. Even were we to concede that these outrages in Haitian waters were not within Haitian jurisdiction, I do now affirm that the claim of Pelletier against Haiti on the facts exhibited must be dropped and dropped peremptorily and immediately by the Government of the United States. "The principle of public policy," said Lord Mansfield in Holman *v.* Johnston, Cowper's rep., 343, "is this: Ex dolo malo non oritur actio." No court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act, * * * by innumerable rulings under the Roman common law, as held by nations holding Latin traditions and under the common law as held in England and the United States, has this principle been applied * * *.

But even if it should be thought that the acts of Converse and Blatt as shown by the evidence would not sustain an indictment under the penal statute above cited, it must still be held that their admitted conduct estops them from asking the United States Government to press their claim upon Mexico. They were both actively engaged in the service of a revolutionary force whose avowed object was to overthrow the established Government of Mexico. As armed revolutionists they took upon themselves the hazards of war. They were liable to be killed in action; and, on the other hand, they were liable to kill in action soldiers of the Republic of Mexico. These rights and liabilities could not flow from American citizenship. If slain in fair fight, this Government would have no duty to demand redress in the premises; if they killed in like manner their opponents, they could not do so as American citizens primarily, but only as Mexican revolutionists. Otherwise such killing would be murder. It is plain that these claimants, having taken upon themselves the character of Mexican revolutionists with a new set of duties, rights and liabilities, put in abeyance for the time being at least their distinctive rights, liabilities and duties as American citizens. They were fighting not as citizens of this country, but as Mexican insurgents, and they were pursued not as Americans, but as rebels in arms against the established government. The pursuit should have stopped at the boundary not because the crossing of the Rio Grande divested Converse and Blatt of their hostile and capturable qualities, but because to go further was to violate the sovereignty of a neighboring country. Crossing the river did not reinvest these claimants with any of those individual rights peculiar to American citizenship which they had voluntarily put aside by enlisting in the Mexican revolution; on the contrary, the very character of their mission required them to cross to the soil of the United States and in so doing they were carrying out an act of warfare against the Government of the Republic of Mexico. The circumstances of their seizure constituted a clear and a grave violation of the sovereign rights of the United States. The commission believes their capture on American soil to have been deliberate and to have been instigated by the military authorities of Mexico, a part of whose forces were drawn up on the southern bank of the river to receive the two captured Americans and, which, in fact, did receive and hold them immediately after those effecting the seizure had brought them to the Mexican side. The whole procedure was an international wrong done to this country; but the individuals captured were captured not as American citizens, but as active insurgents in the very act of carrying out a hostile mission. The case would have been the same if the parties captured had been native-born Mexicans instead of Americans. In either case the pursuit should have stopped at the boundary; in either case the capture on this side was internationally wrong, but in both cases the injury is a public one directed against the sovereignty of the United States. It was open to our Government to demand the release of those captured, the punishment of those involved in the capture and such further international redress as might be deemed proper by those charged with that phase of public duty; but as to these claimants, capture was one of the fates they challenged when they embarked in their Mexican insurgent enterprise and the time and place of their capture, while making for an offense to this Government, grounds in them no claim for pecuniary damages which this Government should undertake to press. If they have any just claim for compensation it should be directed by them to the conscience and gratitude of the present Government of Mexico whose cause they made their own.

The principle here set out is not novel. It was acted upon in the case of Captain John Clark, who took out letters of marque from Uruguay and cruised against the vessels and property of Spain and Portugal upon the high seas. A part of his booty was taken by a public-owned vessel of Colombia and his heirs came in time to press a claim growing out of this seizure before mixed commissions appointed by the United States and New Granada, Venezuela, and Ecuador, these States being a part of that Republic of Colombia which had made the original seizure. In all cases the claims were finally disallowed, and the grounds upon which their action was had were, in principle, those above outlined. One of the commission said:

> I grant that the conduct of the Venezuelan squadron and the decisions of the Venezuelan prize court were unjustifiable upon any principle of international law and that a great outrage was committed on the sovereign rights and interests of Uruguay; but what is that to the United States? Whatever losses and damages Captain Clark sustained in the premises he sustained not in his character as a citizen of the United States, but as an officer in the service of the Banda Oriental Republic (Uruguay) cruising under her flag, for her benefit, and against her enemies. If, therefore, the spoliations committed by the Venezuelan navy and sanctioned by the Venezuelan courts entitle him to indemnification, this indemnification must be claimed by the Banda Oriental Republic, now the Republic of Uruguay, and not by the United States. The war was with Uruguay and Spain and Portugal; the United States were neutral; not so Captain Clark. Although a native citizen of the United States, he had identified himself with one of the belligerents in violation, as I shall presently show, of the laws and treaties of his own native country. He was cruising under the Uruguay flag against the commerce of two nations with which the country of his birth was at peace. He must, therefore, abide by the consequences. * * * A party who asks for redress must present himself with clean hands; his cause of action must not be based on an offense against the very authority to whom he appeals for redress. * * * He who engages in an expedition prohibited by the laws

> of his country must take the consequences. He may win or he may lose. But that is his own risk; he can not in case of loss seek indemnity through the instrumentality of the Government against which he has offended. (Moore's Int. Arbitrations, pp. 2734–39.)

Other commissioners expressed similar views, and one of them, Mr. Findlay, in the course of his opinion, quoted from Mr. Justice Taney in Williams *v.* Gibbes, where having reference to a claim founded on a contract to furnish advances and supplies to a military expedition fitting out against Mexico then belonging to Spain, the Justice said:

> Of course it was their duty [the commission's] not to allow any claim for services rendered to Mexico for money advanced for its use by American citizens in violation of their duty to their own government or in disobedience to its laws. For the government would have been unmindful of its own duty to the United States if it had used its powers and influence to enforce a claim of that description or had sanctioned it by treaty.

Colonel Young's case, reported in Moore's International Arbitrations, pages 2752–2753, is almost exactly in point. Colonel Young accepted a commission in the Mexican Army in its war against Spain and was killed. The commissioners say:

> Col. Young, by accepting a commission in the Mexican service and actually engaging in the war then in progress, forfeited all claim to the protection of his own government. He lost, for the time being at least, and so far as he was connected with that service, the character of an American citizen. A return to the United States might have restored his national character; but while he was in Mexico, engaged in her service as an officer in her army he ceased to be a citizen of his native country and could claim none of the benefits resulting from that character.

So in Green's case, the umpire declares that—

> the claimant must be considered to have been actually employed by and in the service of the Mexican government, and pro tanto a Mexican citizen during the time of his services.

The grievance of the United States against Mexico in these cases is not that the particular persons Converse and Blatt should have been captured as they were, but that anybody should have been kidnapped upon our soil by agents of a foreign government.

For the reasons stated, the commission does not recommend any amount as due these claimants from or through this Government. The commission visited in person the scene of this kidnapping and from this inspection, from the evidence adduced in the case, and from consulting the treaties between Mexico and the United States bearing upon the boundaries of the two countries, it is satisfied that Converse and Blatt were seized upon United States territory.

II. THE CASES ARISING IN EL PASO, TEXAS, AND DOUGLAS, ARIZONA, FROM GUNSHOT WOUNDS INFLICTED FROM THE MEXICAN SIDE OF THE BORDER.

To understand how these injuries were received some general description of the situation of El Paso and Douglas and of the events of May 8, 9 and 10, 1911, at Juárez, Mexico, and of April 13 and 17, 1911, at Agua Prieta, Mexico, is necessary.

El Paso, Texas, lies directly on the Rio Grande river opposite Ciudad Juárez, Mexico. The river between these two cities is spanned by several bridges, railroad and others, and at some seasons is nearly if not quite dry. Both cities grow down close to the river banks so that between the two municipalities the distance is not great. El Paso claims some 39,000 inhabitants and the greater number of these is to be found in the more compact part of the city and within about two miles of the dividing river. Its situation with reference to the bounding river and to Ciudad Juárez will be better understood from the map hereto attached as Appendix "A."[1] Some of the principal streets of the city will be seen to run nearly perpendicular to the river front.

On May 8, 1911, some of the subordinate leaders under Mr. Madero began an attack on Juárez, moving down under shelter of the river bank and so getting close to the heart of the city without much exposure. At the same time they thus became interposed between El Paso and Juárez in such fashion that a fire from the federal garrison of the town directed at the assailants along the river front must needs be in the direction of El Paso. It is hinted by some of the attorneys that, the United States having formally warned the garrison of Juárez not to fire in the direction of United States territory and this fact being known to the assailants, they purposely attacked from the river front so as to embarrass the defense. However this may be, the defense for the better part of three days, May 8, 9 and 10, did fire in such direction as to cover the greater part of El Paso with a flight of bullets, resulting in numerous casualties.

Douglas, Arizona, and Agua Prieta, Mexico, face each other across the international boundary line which here runs across a flat plain. They are separated by an open strip about one-quarter of a mile wide. An assault on Agua Prieta by insurgents occurred April 13, 1911, and was made from a line near the boundary so that in firing upon the assailants the Federal garrison was bound to fire towards and into Douglas. Again on April 17 when a Federal force undertook to recapture Agua Prieta the assault was directed from the southeast so that the bullets in their flight to the northwest were certain to fall into and about Douglas. On each occasion there were resulting casualties on the American side upon which are founded six claims presented to this commission. There is appended hereto and marked "B" a map[1] of Douglas, Ariz., which will further illustrate its inevitable exposure.

The modern high-power military rifle has a maximum range of approximately three miles. Upon the maps of El Paso and Douglas herewith there are drawn in red ink circles having their centers approximately near the center of the defense in Juárez and Agua Prieta, respectively. It will be seen that these circles embrace, in the case of El Paso, the greater part of the inhabited town and in the case of Douglas practically the whole city. Appended also to this report and made a part hereof is some general testimony[1] taken by the commission and detailing the events of those days in El Paso and in Douglas when the battles upon the adjacent Mexican territory gave rise to wounds upon American soil. Afternoon papers of El Paso published on the 8th, 9th and 10th day of May, 1911,[1] are also appended to further illustrate, by contemporaneous reports, the happenings of those days as they relate to the subject of these claims.

The brief submitted by Coldwell and Sweeney,[1] attorneys for the claimants Griffiths and Chandler, is also made an appendix hereto.

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[1] Not printed.

This brief was adopted by the other attorneys as expressing their view of the law and the reasoning applicable to all the El Paso claims in so far as its citations and its arguments are of general application.

In this brief the argument is advanced that Mexico was wholly unjustified in carrying on active warfare when its natural result would be to endanger life on our soil by the falling of bullets thereon. And the conclusion is sought to be drawn that since Mexico's action is indefensible from the standpoint of international law, the damages allowed should be great, including not merely compensation but something beyond, to deter for the future.

It seems plain, however, that the right of a state to defend itself is fundamental and inferior to no other. In the case now under consideration the established government was threatened and in danger. On the one hand it was fighting in self-defense for its continued existence while on the other was a revolutionary party striving to overthrow it. The right of a state to change its government when it is alleged to be oppressive or otherwise unresponsive to the needs of the people is also a well-established dictum in the law of nations. Both parties to the conflicts at Juárez and at Agua Prieta were therefore engaged in a contest about the theoretical right of which, in an international sense, there can be no doubt. Both of these places were important to the combatants as both lie at the gateway of railroads penetrating the country, and both have customhouses where revenue is to be collected. It was highly important to the rebels to take and hold these towns; it was of the utmost importance to the Díaz Government, fighting for its life, not to permit this. The commission, in view of these facts, has no doubt that Mexico must be held within her sovereign rights when she fought to retain possession, as against armed rebellion, of both Juárez and Agua Prieta. If the situation as between Mexico and the United States were reversed and this Government found itself assailed by armed rebels avowing the purpose of overthrowing the established order of things, and its border cities were besieged, nobody can doubt that attack would be met by defense, let the bullets fall where they might. What we should undoubtedly claim for ourselves as right we must admit as right in our neighboring states. But when a state in the exercise of its sovereign right of self-defense has been compelled to inflict injuries as incidental thereto upon a neighboring and friendly power, prompt expressions of regret and prompt atonement in so far as money indemnity can atone, are to be expected.

It is believed that the views just expressed are in accord with our own diplomatic history, as several incidents illustrate. When the *Caroline* in the year 1837 was attacked and destroyed in a harbor of New York State by agents of Great Britain, the case was much less urgent than at El Paso or Douglas and all the attendant circumstances less calculated to justify the territorial invasion. But in the subsequent correspondence we find the plea of self-defense as the only one, and its force in an appropriate case apparently admitted by our Government, though not in the particular case.

Mr. Webster, then Secretary of State, said of this transaction:

> The President sees with pleasure that your Lordship fully admits those great principles of public law, applicable to cases of this kind, which this Govern-

> ment has expressed; and that on your part, as on ours, respect for the inviolable character of the territory of independent states is the most essential foundation of civilization. And while it is admitted on both sides that there are exceptions to this rule, he is gratified to find that your Lordship admits that such exceptions must come within the limitations stated and the terms used in a former communication from this department to the British plenipotentiary here. Undoubtedly it is just that, while it is admitted that exceptions growing out of the great law of self-defense do exist, those exceptions should be confined to cases in which the necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation.
>
> Understanding these principles alike, the difference between the two Governments is only whether the facts in the case of the *Caroline* make out a case of such necessity for the purpose of self-defence.

On our side practically the same principle was asserted when General Jackson in 1819 invaded Florida, then a dependency of Spain. The ground, broadly stated, was that such invasion was the only practicable way to put an end effectively to the Indian depredations on that frontier.

And in reference to the Mexican boundary itself, our Government has taken the position in times past that if the only effectual way to stop Indian raids upon our people and their property was to pursue them across the border into Mexico, that course would be followed unless the Mexican Government took effective measures to prevent its soil from being made a base of operations against us and a haven of refuge in case of pursuit by our forces.

The ground upon which this position rests is simply that the right of self-defense rose superior in the particular circumstances to the right of territorial inviolability.

The Commission, therefore, believes that Mexico, while justified by the extreme circumstances in fighting upon the immediate border, is bound to feel regret and make amends to those particular individuals who incidentally suffered from her action. And as to the sufferers who are American citizens the Commission believes it to be clearly the duty of their Government to urge the justice of a prompt and liberal settlement upon the Government of Mexico. It seems superfluous to make citations or undertake argument with the purpose of justifying this conclusion. The duty of Governments to see that their citizens when damaged by foreign Governments should be given justice is too well established in our own diplomatic history and through the long list of international claims commissions to be now questioned. Mexico herself has impliedly admitted her liability by offering compensation, after its own investigation, in a number of these cases. These offers were rejected in all cases except one, for the reason that the amount offered seemed to the claimant too small. But the fact that an attempt at settlement was thus made by the accredited agent of the Mexican Government is here cited as an acknowledgement by that Government of its liability for the injuries arising from its military operations at Juárez and Agua Prieta. In the one case actually settled—that of Mrs. Jennie M. Preston—the amount paid the claimant may be taken as in some degree a measure by which other amounts could be assessed. But in all cases the Commission has endeavored to take into consideration the age, state of health, earning capacity, and degree of permanent disability, if any, in arriving at the amount of the damage assessed.

There is some evidence that the Mexican Government took the ground in its own investigation through its Consular agents, that the doctrine of contributory negligence might be invoked as going to lessen the amount of compensation or perhaps to defeat the claim altogether.

There can be no doubt that many spectators on the American side were drawn by curiosity to points of advantage from which to view the conflicts on the other side. But curiosity is a human quality and not criminal and not even censurable in many cases. The sight of a battle is one not often presented to the citizen in his own home and amidst his usual daily vocations. That he should pause to see so strange and so rare a sight, or even that he should seek an advantageous point from which to view it is not surprising. It must be borne in mind, too, in this connection that few if any of these people had any realizing sense of the danger to which they were exposed by flying bullets. The Commission concluded, therefore, that these spectators were where they had a right to be in their own country, that they did not fully, if at all, understand their danger, and that it does not lie in the mouth of the responsible foreigner to present this phase of the matter by way of escaping or mitigating his accountability. Pretty much any person anywhere about El Paso and Douglas was exposed to danger on the days when these adjacent fights were under way and it is too nice a question ever to be determined satisfactorily as to whether or in what degree a particular wound might be ascribed to the indulgence of curiosity. Upon this point, however, the views of the Commission are not unanimous.

In regard to the claims brought before the Commission by domiciled aliens, it will be seen that all have been heard as required by the terms of the joint resolution, and the amount of damage assessed will be found for each case in the special report devoted to that case.[1]

The Commission, however, does not believe that these claims are of a class to be presented to the United States Government for settlement, or through that Government to Mexico. These claimants are not citizens of the United States. Their paramount allegiance is not to this Government. It is conceivable that the country of their origin might call them home, arm, and require them to fight against the United States. Nowhere is it suggested that the injuries out of which these claims spring is attributable to the United States Government or to acts or omissions of its agents. The United States therefore can not be appealed to as to the party responsible for these injuries. In what capacity, then, can this Government be called upon to entertain these claims? Evidently only as the Government owing a duty of protection to the claimants as the victims of wrongs inflicted by another nation. Upon this point it seems clear from the weight of authority that this duty of protection is reciprocal with the obligations of allegiance and service. These domiciled aliens (all but one being of Mexican origin) owe no duty of service to this Government, and such allegiance as is due from them to the United States is of a qualified and subordinated character. Their claim to compensation, if any, is upon Mexico; and the naked question presented here is whether the duty of pressing these claims upon Mexico for settlement devolves upon the country of domicile or that of citizenship. Upon this question the great weight of authority and of reason seems to this Commission to be against the country of domicile and hence we feel precluded from recommending them favorably.

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[1] Not printed.

Some of these claimants had filed their declaration of intention to become naturalized citizens of the United States, and one has, since the injury was received, completed his naturalization and is now a citizen But the claim relates back to the status existing at the time of the injury. The proposition, as the Commission understands it, is for this Government to intervene between these domiciled aliens and (except in the case of one Chinese) their own Government for the purpose of securing justice as between those parties.

Upon the general proposition that citizenship is a prerequisite to such intervention, reference is made to the general practice of our State Department and to the cases cited in Moore's Digest of International Law, sections 979 and 980, vol. 6, pp. 628 to 636. The citations from our diplomatic correspondence made in section 981 of the same work are particularly apposite to these claims:

> In declining to present a diplomatic claim to the Government of Austria, Mr. Marcy said: "The wrong you complain of was done more than six years before you were a citizen of the United States, and while you were a subject of the Emperor of Austria. The application you make seems to require this Government to interpose in a matter between the Austrian Government and one of its subjects. That was the practical relation when the act complained of took place. It can not, therefore, be said to be an injury done to one of our citizens, but only to a person who several years afterwards became a citizen of the United States." (Mr. Marcy, Secretary of State, Aug. 26, 1856.)
>
> By adopting a foreigner, under any form of naturalization, as a citizen, this Government does not undertake the patronage of a claim which he may have upon the country of his original allegiance or upon any other government. To admit that he can charge it with this burden would allow him to call upon a dozen governments in succession, to each of which he might transfer his allegiance, to urge his claim. Under such a rule the government supposed to be indebted could never know when the discussion of a claim would cease. All governments are, therefore, interested in resisting such pretensions. (Mr. Fish, Secretary of State, May 16, 1871.)
>
> Where a person, who was naturalized in the United States in 1874, asked for diplomatic intervention in order to obtain the restoration of his property which was embargoed in Cuba in 1871, the Department of State said: "When your alleged injuries took place you were not a citizen of the United States, and therefore, under well established canons of international law, it is not within the province of this Government to inquire whether your property was wrongfully or rightfully taken. It would be a monstrous doctrine, which this Government would not tolerate for a moment, that a citizen of the United States who might deem himself injured by the authorities of the United States or of any State could, by transferring his allegiance to another power, confer upon these powers the right to inquire into the legality of the proceedings by which he may have been injured while a citizen." (Mr. Fish, Secretary of State, Apr. 8, 1874.)
>
> Subsequent naturalization does not alter the international status of a claim which accrued before naturalization. (Mr. Bayard, Secretary of State, Apr. 30, 1886.)

The case of Santangelo reported in volume 3, Moore's International Arbitrations, is exactly in point with the Chinese case here, and if this precedent is followed the United States will refuse to urge this case as well as those of the other domiciled strangers of Mexican origin. It is true that Santangelo's injury occurred in Mexican territory, while this happened upon our soil; but in neither case is there any imputation of laches or wrongdoing upon the part of our Government such as might fasten upon it a special obligation to see the wrong repaired.

Upon the other side of this question may be cited the cases of Jarr and Hurst, one a native of Denmark, the other of Norway, who had become domiciled in the United States and had declared their intention to become citizens of the United States. In this condition they shipped as sailors on an American vessel and the injuries of which they complained were received in the port of Acapulco, Mexico. Under a convention which authorized the claims of American and Mexican citizens only, to be considered by the Commission, the claims of these parties were heard, though subsequently dismissed upon other grounds. Here it will be observed that the claims were not against the country of origin. But in any case the decision of the Commission while conclusive in these cases appears to run against the great current of authority.

In addition to what has been said, it may be well to point out that inconvenient precedents might be made if our Government should undertake to champion the cause of domiciled strangers in a question primarily between themselves and the Government of their origin and paramount allegiance. It will hardly be maintained that these parties have the option of looking to either the Government of their domicile or that of their citizenship as they may elect for protection and compensation in circumstances like these. If it is our duty as a Government to look after these damages it can not be Mexico's at the same time and in the same sense. Now we have many American citizens domiciled in Mexico, doing business there, living there, and the number promises to increase indefinitely. Will it do for the United States to take, in these current cases, a position which may be cited in the future as throwing upon the country of their domicile the ultimate duty of protecting these citizens and by strong implication forbidding the exercise of that function to our Government?

From every point of view, then, it is believed that the United States, not being responsible for these injuries through any omissions or acts of its own, should not take upon itself the duty of settling those claims or of urging their settlement upon Mexico.

In assessing the amount of damage, the Commission has endeavored to arrive at compensation only; exemplary or punitive damages being regarded as not called for in view of all the circumstances surrounding the injuries. There follows a table[1] showing the name of claimant, nationality, amount claimed, and the sum assessed by the Commission.

File No. 412.11 H141/5.

The American Chargé d'Affaires to the Secretary of State.

No. 1793.]

AMERICAN EMBASSY,
Mexico, November 30, 1912.

SIR: Referring to this Embassy's despatch of August 30th last, No. 1625,[1] regarding the claim of Mr. Herbert L. Hall, I have the honor to transmit herewith a copy in translation of a recent note from the Minister for Foreign Affairs in reply to the Embassy's representations in this matter.

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[1] Not printed.

It will be observed that in this note the Mexican Government takes a positive attitude towards such claims for losses suffered by foreigners by revolutions and one which, if concurred in by the Department, will render useless any further steps towards the collection of damages for losses suffered by American interests in Mexico arising from the revolutionary movements of the past two years.

I have [etc.]

MONTGOMERY SCHUYLER.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Chargé d'Affaires.

No. 3203.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, November 23, 1912.

MR. CHARGÉ D'AFFAIRES: After the examination of the claim which, through the Embassy, Mr. Herbert L. Hall has formulated against the Mexican Government for the sum of $40,000 United States currency—this being the value of property belonging to him which he says was destroyed by Federal forces—it is to be observed first of all that the allegations made by Mr. Hall are not justified, in evidence of which it is sufficient to say that only one of the witnesses states that he has seen what Mr. Hall refers to. But it seems unnecessary to insist on this point in view of the fact that, although the allegations might be proved, it is a principle of international law that when a government finds itself temporarily unable to repress within its territory all the punishable acts resulting from insurrection or civil war it is not responsible for the damages which foreigners may suffer in person or property during the course of the campaign as a consequence of the measures that the government may find it necessary to take in order to recover its dominion.

This principle has been recognized in favor of your excellency's Government by the Government of Great Britain when the latter refused to make claim against the former for its subjects for any compensation for the damages which they had suffered during the Civil War, taking the position in that case that foreigners are subject to the same consideration as nationals; and even your excellency's own Government has acknowledged this principle in a most ample manner when it refused to make claim against Brazil for compensation for the damages which an American citizen had suffered during the civil war of 1893, in spite of the fact that his business, having been in the line of fire, had been destroyed by the forces of the Government and by the revolutionists, considering with all justice that a person domiciled in a foreign country is exposed equally with the nationals of that country to the results of the state of affairs, and therefore if his property is destroyed by revolutionary forces or by those of the Government the latter is not legally responsible therefore.

Therefore, upon the basis of these principles of strict justice, the Government of Mexico declines all responsibility, and in consequence does not accept the claim of Mr. Herbert L. Hall.

I avail [etc.]

PEDRO LASCURAIN.

File No. 412.11/144.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, December 6, 1912.

The Foreign Office has rejected a German claim in a note the terms of which are almost identical with those refusing Hall's claim. This is the first information received by the German Minister regarding his numerous claims for damages due to revolutionary disturbances. He forwarded it at once to his Government, with the comment that if this principle is allowed he can accomplish nothing more by diplomatic methods. He will recommend that the German Government show the Mexican Government that it can not make such an absurd denial of justice in the case of German subjects. I have also received another note refusing another claim in similar terms.

I should be glad to have some light on the Department's probable attitude with regard to such claims, of which the Embassy is daily receiving a number; it would appear to be a waste of time to send them to the Foreign Office if the Mexican Government's present contention is to be allowed.

Another class of claims is becoming quite important—those for personal service, such as that of locomotive engineers, rendered by American citizens to the Federal military authorities, for which the claimants have proper authorizations and payment orders signed by commanding officers, but payment of which is refused at the War Department in spite of the instructions from the commanders who employed them that they should apply there.

SCHUYLER.

File No. 412.11/146.

The American Chargé d'Affaires to the Secretary of State.

No. 1800.]

AMERICAN EMBASSY,
Mexico, December 7, 1912.

SIR: I have the honor to refer to my telegram of December 6, relative to the matter of certain classes of claims against the Mexican Government, and to transmit herewith copies in translation of notes which have been addressed to the German Minister and to this Embassy.

I have [etc.]

MONTGOMERY SCHUYLER.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to the German Minister to Mexico.

No. 3380.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, December 2, 1912.

MR. MINISTER: I beg to refer to your excellency's note No. 2683 of the 21st of October last, relative to the claim which Mr. Otto Katterfeldt, a German subject, resident in the city of Gómez Palacio, State of Durango, has presented against this Government for damages to him by sacking and robbing by a party of rebels on March 9th last.

The case having been duly considered. I have the honor to inform your excellency that the Mexican Government does not accept the said claim, basing its action upon the general principles of international law which exonerate States from the payment of damages suffered by foreigners during times of disturbance within the territory of such States; for there is no reason, either in justice or in equity, to differentiate such damages from those suffered by the nationals of the country.

The Mexican Government, therefore, in this as in all similar cases, declines all responsibility for the damages suffered by Mr. Katterfeldt.

I avail [etc.]

PEDRO LASCURAIN.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Minister.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, December 2, 1912.

MR. CHARGÉ D'AFFAIRES: I have the honor to inform you that upon examination of the claim presented through the Embassy against the Government of Mexico by Messrs. Daniel E. Sherron and Jack D. Van Horn, for the sums of $4,453.40 and $1,065,20, respectively, as the value of merchandise alleged to have been destroyed by revolutionary forces, such claim is considered unfounded, inasmuch as it is a universally recognized principle of international law, which has always been observed by your excellency's Government as well as by that of Mexico, that no State is legally responsible for damages and prejudices which during an insurrection or civil war may be suffered by foreigners at the hands of rebels, as under such circumstances they should suffer the same consequences as the natives.

Therefore the Government of Mexico declines all responsibility and does not accept the claim of Daniel E. Sherron and Jack D. Van Horn.

I avail [etc.]

PEDRO LASCURAIN.

File No. 412.11/145.

The American Chargé d'Affaires to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
Mexico, December 11, 1912.

The Embassy has succeeded in obtaining payment through informal action of two of the claims of the class referred to in the last paragraph of my telegram of December 6.

SCHUYLER.

File No. 412.11/146.

The Secretary of State to the American Chargé d'Affaires.

No. 1142.]

DEPARTMENT OF STATE,
Washington, December 19, 1912.

SIR: The Department has received your No. 1800 of the 7th instant, transmitting a copy of a note dated the 2d of the same month, in which the Minister for Foreign Affairs informs you that the Government of Mexico declines responsibility for the losses suffered by Daniel E. Sherron et al., on the ground that no State is legally responsible for damages and prejudices which during an insurrection may be suffered by foreigners at the hands of rebels. You also enclose a copy of a note of similar tenor which the Minister addressed to the Minister of Germany in relation to the claim of Otto Katterfeldt, a German subject.

In reply you are instructed to write a note to the Mexican Foreign Office acknowledging the receipt of its note of December 2 regarding the claims of Sherron et al., and informing it that the Government of the United States cannot admit the existence of any such unqualified rule as that stated by the Mexican Government, and that full reservation must be made of the right of this Government further to press this matter in connection with the hundreds of other claims which, it is now apparent, this Government must ultimately present to the Government of Mexico for settlement.

I am [etc.]

P. C. KNOX.

File No. 312.11/1038.

Memorandum of an interview between the American Ambassador and the Mexican Minister for Foreign Affairs in New York City, December 21, 1912.

Minister Lascurain asked if he could arrange for an interview with President Taft and Mr. Knox on January 2, 1913, to which end Ambassador Wilson wrote Mr. Knox on the 21st of December, 1912.

During the conversation which followed his request, Ambassador Wilson urged Minister Lascurain to secure authority to make definite and categorical replies in these interviews to our note of December[1] 15, 1912.

Ambassador Wilson endeavored to impress upon Minister Lascurain the imperative necessity of Mexico meeting our demand for justice and furnishing ample guaranties therein. It was suggested that Minister Lascurain volunteer such proposals as he was authorized to make. In the alternative the Ambassador suggested to Minister Lascurain the submission of all difficulties between the United States and Mexico to an impartial arbitral commission, to be nominated by the Presidents of the United States and Mexico, in conformity with the usual methods. (Mr. Wilson believes this to be the surest way of getting speedy and definite action from Mexico.)

The suggestions and advice given by Ambassador Wilson to Minister Lascurain were given in response to an intimation and request from Minister Lascurain and were in no way spontaneous. It is suggested that a memorandum for an agreement for the arbitration of all claims and for the settlement of such litigation in which alleged denial of justice lies be immediately drawn up in simple form for the consideration of both countries; the period of adjudication not to exceed beyond four years. The commission is to consist of two arbitrators from each country and a fifth selected by them.

In conclusion it should be known that Minister Lascurain was very grateful for the advice given him, and said that he believed that great good had resulted from his meeting with Ambassador Wilson.

File No. 412.00/22.

The American Chargé d' Affaires to the Secretary of State.

No. 1834]

AMERICAN EMBASSY,
Mexico, December 30, 1912.

SIR: I have the honor to enclose herewith for the information of the Department copies of a note and translation thereof, dated November 9, 1912, from the Minister for Foreign Affairs to the Minister of Great Britain, pertaining to the attitude of the Mexican Government in the matter of claims growing out of the recent disturbances, which I received only Saturday last.

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[1] This should be September. The note is printed in that chronological order under "Political Affairs," p. 842.

I have [etc.]

MONTGOMERY SCHUYLER.

[Inclosure—Translation.]

The Mexican Minister for Foreign Affairs to the British Minister to Mexico.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, November 9, 1912.

MR. MINISTER: I have been honored by the note, No. 197, of your Legation, dated the 5th instant, in which, pursuant of instructions from Sir Edward Grey, you ask what attitude the Government of Mexico will take in the settlement of claims presented by foreigners on account of the present conditions in this country. In reply I have the honor to say that this Government considers that the disturbances which are occurring throughout the Republic *do not have the character of those of the Revolution of 1910*, as your excellency so correctly understands, and hopes that the illustrious Government of Great Britain is of the same opinion; for which reason the Government of Mexico has not made any decision in regard to the above claims, hoping that the disorders will cease; and as soon as this happens I shall be glad to inform your excellency of the course thereupon adopted.

I avail [etc.]

PEDRO LASCURAIN.

MOROCCO.

RELATION OF AMERICAN PROTÉGÉS TO THE FRENCH AUTHORITIES AT FEZ; GOOD OFFICES OF THE BRITISH CONSUL IN THE CASE OF MOHAMMED BEN LEHSEN EL FILALY.

File No. 381.81F47/4.

The American Minister to the Secretary of State.

No. 257.]

AMERICAN LEGATION,
Tangier, May 20, 1912.

SIR: I have the honor herewith to enclose copies of the two letters from Mr. J. M. Macleod, the British Consul at Fez, with reference to the case of Mr. Joseph R. Cazes' Semsar No. 7, Mohamed Ben Lehsen El Filaly, and also to enclose translation of the letter of thanks[1] of the French Consul at Fez. While awaiting the reply of the Department to my cable of the 18th instant with regard to this subject, I deem it wise that the enclosed correspondence may be on its way for the Department's information.

From my acquaintance with Mr. Macleod, I feel that our Government is most fortunate in this emergency in having the benefit of his years of experience and familiarity with conditions in the interior of Morocco, and of his very calm judgment of events there.

I have [etc.]

FRED W. CARPENTER.

[Inclosures.]

The British Consul at Fez to the American Minister at Tangier.

[Summary of the two letters referred to.]

The British Consul, Mr. J. M. Macleod, writes on May 8, 1912, to Mr. Fred W. Carpenter, the American Minister at Tangier, an account of the participation of an American protégé in the fighting at Fez between the French and the Moorish mutineers. This American protégé is Sid El Hadj Mohammed Ben Lehsen El Filaly, who is the Semsar of Mr. Joseph Cazes. During an attack on the Kasbah Filala he and some twenty-five of his friends rescued five men of a French detachment, in the course of which five of Filaly's friends were killed. The rescued French soldiers were taken by Filaly to the Kasbah Filala, where he housed and fed them. Filaly then went to the French Minister and reported the occurrence, and was warmly thanked by the Minister for his services. The same evening Filaly and his friends escorted the rescued soldiers to the quarter of the Consulates. At the request of the French Chief Intelligence Officer, Commandant de Lamothe, they also brought in the bodies of nine French soldiers, for which the Commandant thanked them.

Filaly has also been most generous in supplying food, bedding, etc., for the distressed Jews.

The British Consul reports these incidents feeling sure it will gratify the American Minister to learn of the brave and humane conduct of the American protégé.

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[1] Not printed.

In the second letter, dated May 13 and 14, Mr. Macleod adds the following further particulars.

The French soldiers now say that, although it is true that they were sheltered at the Kasbah Filala, it was not till later that the American protégé, Filaly, assisted them; that at the beginning of the fight they were fired upon by the mutineers, who had been brought to the scene by the inhabitants of that very Kasbah Filala.

The American protégé denied this statement. Later, on May 11, he sent a message to the British Consul saying he had been arrested by the French authorities. The Consul sent Filaly's certificate of American protection to the French Military Intelligence Bureau and a letter to the effect that the Bureau was probably not aware of Filaly's being an American protégé.

The French officer in charge replied that they could arrest and interrogate whomsoever they pleased, and threw back to the messenger the copy of the certificate.

However, Filaly later appeared at the British Consulate, to say that he had been released.

But on May 12 Filaly's servant came in great alarm to say that his master was being thrashed by an officer at the French Bureau, and while he was talking Filaly himself appeared, in a most terrified state, saying that Lieutenant Arnaud of the Bureau had come to the Kasbah Filala and, cursing him, beat him over the head with his riding-whip.

The British Consul thereupon went with Filaly to M. Gaillard, the French Consul, who, although deprecating the beating, declared that Filaly was a French protégé. But M. Gaillard, after a visit to the Bureau, called for the protection-list, struck off Filaly's name and sent him away. Filaly implored the British Consul to make sure that he would not be in further danger; whereupon the Consul called on the French Minister and related the whole affair, with special emphasis on the lieutenant's conduct, saying that the Minister "would surely agree that curses and riding-whips were not mentioned amongst the powers which General Moinier, when proclaiming a 'state of siege' at Fez, had claimed the use of by the Military." The Minister promised to call General Moinier's attention to the lieutenant's behavior.

After his return to the Consulate the French Vice Consul called to explain and apologize, and it was agreed that El Filaly should remain at the British Consulate, where he then was, until the conclusion of the inquiry into El Filaly's affiliations and his acts during the attack on the Kasbah Filala. Later, Commandant de Lamothe informed the Consul that if this inquiry should implicate Filaly and a court martial should be ordered, an order would be issued for his arrest and the Consul would be asked to give him up. To this the Consul replied that, whatever the accusations against him, Filaly was an American-protected person, triable only by an American tribunal. Commandant de Lamothe answered "that as there was a state of war, and as a state of siege had been proclaimed, even though only on the 25th April—and the alleged offenses were committed on the 18th April—the French Court Martial alone had jurisdiction."

"I answered (writes Mr. Macleod) that no foreign consul here had recognized such a right, and that even were such right established it would be beyond my competence to surrender any British subject or protégé without instructions from my superiors to that effect, and still more to surrender, of my own discretion, a *foreign*—in this case an American—protégé, American interests being, for the time, in my charge."

Commandant de Lamothe replied that he did not anticipate any steps to arrest Filaly while in the British Consulate, which he understood was regarded as British soil, and added his warm acknowledgment of the courtesy Mr. Macleod had always shown the French authorities.

On May 14 Mr. Macleod called upon the French Minister, who said that the inquiry would show the Court Martial to have jurisdiction, but that he quite saw how the Consul could not surrender the accused without direction to that effect from the American Minister.

The letter ends as follows:

"I would beg, in conclusion, to point out how very serious the accusations are. Should a trial be ordered and the accused fail to clear himself he would be liable to be sentenced to death, and, obviously, recent events at Fez have not been of a nature to render a dispassionate trial by French Court Martial easy to carry out.

"Personally—from many years' acquaintance with him—and from what I have always heard of him from others, it would take much more and weightier evidence that I have yet heard to convince me that Hadj Mohammed Lehsen was capable of such odious conduct as the Tirailleurs have imputed to him.

"You will have observed of course that the offences alleged were committed on Wednesday 18 April, about dawn, that since noon on the 17th the Consulates quarter had been isolated and was in a state of self-defence, owing to the outbreak of the revolt, and consequently there had been no opportunity to communicate any advice to protégés as to the attitude they should observe. My advice to our British people and others applying to me, was, as soon as I could send it, (and is still) to observe the most rigid neutrality, leaving the French and French authorities and the rebels to fight out their quarrel by themselves. Otherwise, whenever French or Moorish soldiers or the like, were at fault, they would be apt to seek to clear themselves by blaming somebody else. This advice, of course, was not to preclude their sheltering any foreigners—noncombatants or combatants—or Jews in distress, but only referred to the operations of the French and Moorish Authorities.

J. M. MACLEOD."

File No. 381.81F47/1.

The American Minister to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Tangier, May 20, 1912.

Regarding the American protégé, Mohammed ben Lehsen el Filaly, the French officers concerned have apologized and report that the Court Martial have decided not to prosecute him. My British colleague has asked for instructions as to his nationals in any smilar situation, and although the present case is apparently closed I also should appreciate instructions as to future questions of a like nature.

CARPENTER.

File No. 381.81F47/6.

The American Minister to the Secretary of State.

No. 263.]

AMERICAN LEGATION,
Tangier, May 29, 1912.

SIR: I have the honor herewith to enclose two further letters from Mr. J. M. Macleod, the British Consul at Fez, with reference to our semsar Mohamed Lehsen El Filaly. The case was previously referred to in my cables to the Department of the 18th[1] and 20th instant, and in my despatches Nos. 257, 259[1] and 261,[1] of May 20th, 22nd and 24th, 1912.

From the last letter enclosed, it will be noted that the case so far as Filaly, the semsar, is concerned seems to be closed, as the French Consul at Fez has now advised the British Consul that he was satisfied that no proceedings whatever against him were in contemplation, and Filaly has now, therefore, left the British Consulate. I am glad that an incident was avoided in this case, though I believe the matter has been considerably discussed in Fez, and my colleague from Holland, now the Dean of the Diplomatic Corps here, asked me concerning it yesterday. He said in commenting on the matter that he should not consent to a court martial by the French of any of his nationals should the question arise.

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[1] Not printed.

Mr. Macleod has endeavored in so far as possible to avoid the raising of the question in this case, though he advised me confidentially that he gathered from the French authorities that the reason the French closed the case as they did and not formally by writing was that they feared it would otherwise be construed by the powers here as an admission on their part that they did not have the power of court martial over foreign nationals. It would seem to be a matter of a good deal of importance should any further attempts of this character arise, but at least, pending the formal establishment and final assent by the powers to the French protectorate, and the wiping out of the Maghzen, it would, I feel very sure, be deemed by my colleagues here a great stretch of authority on the part of the French to contend that they now have such power. As the French are asking the favor of the nations as to their protectorate, it would seem to me, even as a matter of courtesy, if they felt that they could not concede it as a right, that they should first have consulted the power affected as to the form of trial before attempting summarily to proceed as they evidently intended to do in this case in the excitement of events there.

As the French Minister was in Fez, and pending any instructions from my Government, I have not deemed it wise to take the matter up at all with the French Chargé d'Affaires here, but rather to let the case be handled as it has been by the British Consul in Fez, who has apparently used much tact as well as firmness in the affair. M. Gaillard, the French Consul in Fez, is a man of much courtesy and consideration from all I have heard of him, and I have no doubt that his appreciation of the seriousness of the situation much assisted in the quiet settlement of it.

Awaiting the instructions of the Department, as to its attitude in this matter,

I have [etc.]

FRED W. CARPENTER.

[Inclosure 1.]

The British Consul to the American Minister.

BRITISH CONSULATE,
Fez, May 23, 1912.

SIR: With reference to my letter of the 16th instant, I have the honour to report that on the 20th instant the Kasbah Filala people imprisoned in connection with the incident of the 18th April were released.

As no letter or further information had reached me about Hadj Mommed Lehsen, I enquired yesterday at the French Consulate how his case stood. M. Mercier, the Vice Consul, explained that the Reporter of the Court Martial had power to release accused persons when he thought no case was likely to be brought against them, but in any event the information lodged, and the Reporter's proceedings had to be submitted to the Court Martial. The latter then formally dismissed the case—or re-summoned the parties—as the Court might think fit. Such proceedings were usually (in cases like the present) merely formal, but still M. Mercier thought the most prudent course would be for Hadj Mohammed Lehsen to remain at this Consulate until the Court Martial had formally dismissed the complaint. Under the circumstances it was unlikely the Court would make any written communication to anybody, and so M. Mercier said that—in a personal way—he would arrange to learn when the Court Martial had formally disposed of the case and would inform me thereof, so that Hadj Mohammed Lehsen might then leave the Consulate without possibility of molestation in this affair.

I have [etc.]

J. M. MACLEOD.

[Inclosure 2.]

The British Consul to the American Minister.

BRITISH CONSULATE,
Fez, May 24, 1912.

SIR: With reference to my letter of yesterday, I have the pleasure to report that M. Gaillard, French Consul, called here yesterday afternoon and, in my presence, told Hadj Mohammed Lehsen that he was satisfied no proceedings whatever against him were in contemplation, and so M. Gaillard assured Hadj Mohammed he might now leave this Consulate freely without fear of molestation.

M. Gaillard assured me fully that the proceedings still to complete were merely formal and so it would only be causing Hadj Mohammed Lehsen unnecessary inconvenience were he to remain at this Consulate any longer.

Hadj Mohammed Lehsen, on my explaining this to him, stated he was quite satisfied, and after expressing his best thanks to M. Gaillard and myself he returned with great contentment to his house.

The incident, as far as it concerns Hadj Mohammed Lehsen, appears, therefore, to be now ended. I hope that I have been fortunate enough to act about it in the way your excellency would wish.

I have [etc.]

J. M. MACLEOD.

File No. 381.81F47/7.

The American Minister to the Secretary of State.

No. 283.]

AMERICAN LEGATION,
Tangier, July 11, 1912.

SIR: I have the honor to report to the Department that Hadj Mohamed Lehesen El Filaly, Semsar at Fez of Mr. Joseph R. Cazes—concerning the attempted Court Martial of whom I recently had the correspondence with the Department—called at the office to thank the Legation for the interest taken in his case and said that it had saved his life. He stated that the French tried to get him to renounce his American protection and become French, when they found he was under American protection, and that his declining to do so brought on the trouble. That he had never had a certificate of French protection, as claimed, though they might have had him on their lists unknown to him. Since these events, however, he advises me that he has been shown great courtesy and kindness by the French officials so that the matter has apparently been taken somewhat to heart by them. He says the French have recently asked him once or twice to be of assistance to them, which he has gladly done. I told him I was glad to have him be of assistance to them when he could, and when they asked, but that usually he should maintain a neutral attitude in their disputes in so far as possible. He seems to be a man of a good deal of character and is thought very highly of by the prominent Moors here. He advised me that there is firing still about Fez every few nights, though the trade route here is now open; he further added that General Lyautey had made a very good impression, yet the French policy there from the first has made so many enemies, that the pacification of the tribes would undoubtedly be a long-pending work. As to conditions in the far south of the Empire, he said they were far from satisfactory, which corroborates the reports we get from all sources.

I have [etc.]

FRED W. CARPENTER.

File No. 381.81F47/7.

The Secretary of State to the American Minister.

No. 84.]

DEPARTMENT OF STATE,
Washington, August 5, 1912.

SIR: The Department has received your despatches, Nos. [etc.] relative to the protection of American semsars in Morocco, and in reply informs you that in the event that a similar case arises in the future, the Department desires appropriate protection extended to American semsars. The Department is also pleased to inform you that it approves the manner in which this case has been handled and desires that you so inform Mr. Macleod, the British Consul at Fez, and to express to that official this Department's appreciation for the deep interest which he manifested in the case and the able manner in which he handled it.

I am [etc.]

P. C. KNOX.

NICARAGUA.

CONSTITUTION OF NICARAGUA PROMULGATED JANUARY 12, 1912.

File No. 817.011/1.

The American Chargé d'Affaires to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Managua, December 31, 1911.

The Constitution was to be promulgated tomorrow, but the Minister for Foreign Affairs, Chamorro, is withholding his signature. He told me to-day that among the Transitory Provisions is a clause making the election of Mena and Solórzano constitutional.

There is also a clause providing that all employees must be Nicaraguans excepting those on the Mixed Claims Commission.

The Constitution can be amended, after promulgation, only upon approval of amendments by two successive Congresses.

Having in mind the customs authorities who are not Nicaraguans, I suggested to the Minister to refrain for the present from [error in transmission] the Constitution. When proper provision shall have been made for the customs employees, either the Minister for Foreign Affairs or the Under Secretary will sign, they state, unless the Legation present a formal protest against the clause making constitutional the election of Mena and Solórzano.

I should add that the Nicaraguan Minister at Washington, Castrillo, has in several recent telegrams substantially stated that the Government of the United States will protect Nicaragua from foreign aggression and internal disorders unless these result from a failure to observe the Dawson Conventions.

GUNTHER.

File No. 817.011/6.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, January 12, 1912.

In the Assembly yesterday the Minister for Foreign Affairs declined to comply with the Assembly's demand that he sign the constitution. A stormy scene ensued, in which American intervention was attacked. The Assembly does nothing without the assent of Mena, whose party is uniformly anti-American. To allay the excitement the Minister for Foreign Affairs, at the request of President

Díaz, agreed to sign. The President and Mena have promised me, however, not to allow promulgation of the constitution until January 31.

GUNTHER.

File No. 817.011/6.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 13, 1912.

Not having seen the text of the proposed constitution, the Department cannot express views thereon, but would regard its promulgation before the arrival of Weitzel (about January 18) as a distinct departure from the cooperation that has been practiced by the two Governments heretofore during the efforts of Nicaragua to reorganize its Government. You will impress this upon the Government of Nicaragua, again assuring President Díaz of the warm sympathy and cordial support of the United States.

KNOX.

File No. 817.011/7.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, January 13, 1912.

The Constitution was irregularly promulgated yesterday by the Assembly, without the signature of the Minister for Foreign Affairs and directly against the wishes of the President. Mena had encouraged the Assembly in this action. Furthermore, an act was passed concerning American intervention, couched in somewhat insulting terms; but this can still be reconsidered. The deputies intend to force the United States to recognize Mena's election and have been inciting Mena to consent to the overthrow of Díaz.

GUNTHER.

File No. 817.011/7.

The Secretary of State to the American Chargé d' Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 14, 1912.

Summon Mena to the Legation and inform him that this Government regards the Dawson Agreements—which he signed with the others—as still effective; that in pursuance thereof Díaz must complete his term of office; that the Government of the United States expects Mena, as a patriotic Nicaraguan, strictly to abide by and support those agreements; that his failure to do so would almost certainly result in internal disorder.

KNOX.

File No. 817.011/16.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 171.]

American Legation,
Managua, January 15, 1913.

Sir: * * * The President did everything in his power to keep his pledge to me that the Constitution would not be promulgated until after Mr. Weitzel's arrival, but he was powerless, as the Mena group became determined to force the issue. They have cherished the conviction that the United States Government would agree to Mena's election rather than risk the possibility of a disturbance which might imperil the Knox-Castrillo Convention in our Senate. * * *

Finally on the 10th instant the President called Mena and Dr. Suárez, the President of the Assembly, for another conference, in which the President and I reiterated our views. To my astonishment two days later Suárez makes a violent speech in the Assembly and relates in open session the proceedings of our conference. As a consequence a strong anti-American wave strikes the Assembly, and matters go from bad to worse until in the night session the enclosed Act is passed, after waiving all formalities. * * * It would still have been possible for General Mena to have stopped the entire matter, even by telephone. At eleven o'clock the Constitution was read and promulgated in the public park by two strong anti-American deputies, Señores Alcibiades Fuentes and Federico Lacayo. The Act was also read. I was greatly relieved to observe that very little popular interest was taken in the matter. As the hour was late, even the little boys who follow such things were in bed. It was also clear that the proceeding received the full official sanction of General Mena, as a large squad of police surrounded the readers and some pieces of Mena's own band supplied the music.

As already reported to the Department the Constitution was promulgated without the signature of the Minister for Foreign Affairs. The autograph copy had been in the keeping of the President and was obtained from him under false pretenses by Sr. Salvador Buitrago Díaz, Acting Minister of Gobernación, who represented that he wished it simply to make some comparisons, and in direct contravention to the President's orders, he sent it to the Assembly. The Minister of Gobernación is an underling of General Mena.

There have been no popular demonstrations to date whatsoever, and the reliable popular opinion strongly condemns action of the Assembly.

I have [etc.]

F. M. Gunther.

[Inclosure.—Translation.]

Decree ordering the promulgation of the Constitution.

The National Constituent Assembly,

Considering that the Chargé d'Affaires of the United States has given evidence of exceptional interest, as was manifested to Dr. Suárez, the President of the Assembly, in delaying the promulgation of the Constitution until the arrival of

Mr. Weitzel, the new Minister, who in all probability bears instructions from his Government to make amendments thereto;

CONSIDERING that this interposition of the Chargé d'Affaires of the United States carries with it, in effect, an insult to the national autonomy and the honor of the Assembly;

CONSIDERING that, above all, it is the duty of the Assembly to preserve the dignity and decorum of the Nation and the good name of this august body;

CONSIDERING that, given the territorial extent of our country, it is necessary to promulgate the Constitution some time in advance in order that it may be known to all the inhabitants of the Republic;

CONSIDERING that the Executive power has not ordained the publication of the Constitution, and that this Assembly desires that it be promulgated for the general good of the State;

CONSIDERING that there exists no principle which makes it indispensable that the Constitution be signed by all the Ministers in order that it may be promulgated and put into effect, or nullifies it for lack of the signature of one of them—

DECREES:

ARTICLE 1. That the Constitution elaborated by the present National Constituent Assembly be published by proclamation, or in the Official Gazette, or in any newspaper of the Republic.

ARTICLE 2. That the Junta Directiva of the Assembly be commissioned to take the necessary steps to cause this decree to have effect from date, by publishing the said Constitution in this city.

Given, [etc.]

R. LOPEZ CALLEJAS.
FEDERICO LACAYO.
JOSE F. SACASA.
MARIANO ZAVALA.

COMMISSION CHAMBER,
Managua, January 12, 1912.

File No. 817.011/12.

The American Chargé d'Affaires to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Managua, January 16, 1912.

Your January 14. Public sentiment, as far as can be observed, welcomes its declarations, which are already well known.

GUNTHER.

File No. 817.011/17.

The American Minister to the Secretary of State.

No. 2.]

AMERICAN LEGATION,
Managua, January 24, 1912.

SIR: I have the honor to enclose herewith two copies of the Gaceta Oficial of January 17, 1912, containing the Spanish text of the Nicaraguan Constitution recently promulgated with a preamble[1] mentioning me by name, and the American Chargé d'Affaires by title, as reported by Mr. Gunther in his confidential despatch No. 171 of the 15th instant.[1]

Because of the pressure of matters incident to the presentation of my letters of credence I have not had an opportunity to prepare an

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[1] Meaning the decree above printed, the inclosure in Mr. Gunther's despatch.

English translation nor make a careful study of its various provisions. I have however marked all the parts which seem to have any bearing whatever on the relations between the United States and Nicaragua, including articles numbers 2, 14, 15, 44, 45, 55, 56, 57, 61, 62, 66, 71, 79, 84, 85, 103, 104, 111, 112, 117, 118, 135, 139, 151, 160, 161, 162, 163, 164, 167, 168, 170, and 171.

After a cursory examination I am inclined to think that paragraph 14 of article 85 relating to the public revenues and customs duties and article 170 reciting the validity of the elections of General Mena and Señor Solórzano as President and Vice President, respectively, for the next ensuing term, are the two provisions most susceptible of adverse criticism. Article 170 seems to be in conflict with article 103 of the Constitution which provides for the election of the President and Vice President by direct, popular and public vote.

In any event I doubt if the objectionable provisions of the Constitution are of sufficient importance to justify at this time any effort to influence the Assembly in rescinding its action.

It is possible that if matters are allowed to take their regular course the unfriendly factions will soon exhaust themselves and thereafter become more receptive to reason.

I have [etc.]

George T. Weitzel.

[Inclosure.—Translation.]

Constitution of the Republic of Nicaragua.

In the presence of God, we the representatives of the Nicaraguan people, in constituent assembly, hereby decree and sanction the following Constitution:

Title I.—The Nation.

Art. 1. Nicaragua is a free, sovereign, and independent Nation. Its territory, which also comprises the adjacent islands, is situated between the Atlantic and Pacific Oceans and the Republics of Honduras and Costa Rica.

Art. 2. The sovereignty is one, inalienable and imprescriptible, and resides essentially in the people, from whom the officials provided for by the Constitution and laws derive their powers. Consequently, no compacts or treaties shall be concluded which are contrary to the independence and integrity of the Nation, or which in any wise affect its sovereignty, except such as may look toward union with one or more Republics of Central America.

Art. 3. Public officials shall have no other powers than those expressly conferred on them by law. All acts performed by them outside the law shall be void.

Title II.—Form of Government.

Art. 4. The Government of Nicaragua is republican, democratic, representative, and centralized. It consists of three independent branches, viz, the Legislative, the Executive, and the Judicial.

Title III.—Religion.

Art. 5. The majority of Nicaraguans profess the Apostolic Roman Catholic religion. The Government guarantees the free exercise of this form of worship, as well as of all others provided they are not contrary to Christian morals and public order, the enactment of laws favoring or restricting certain creeds being prohibited.

Title IV.—Education.

Art. 6. The teaching of any lawful industry, trade, or profession shall be free. Primary instruction shall be compulsory and that financed by the Government shall be free. As regards professional instruction, the law shall determine what professions require a previous diploma for their exercise and the formalities for obtaining it.

TITLE V.—NICARAGUANS.

ART. 7. Nicaraguans are native or naturalized.

ART. 8. The following are native:

1. Persons born in Nicaragua of parents who are Nicaraguans or domiciled foreigners.
2. Children who are born abroad and whose father or mother is a Nicaraguan, provided they choose Nicaraguan nationality.

ART. 9. The following are naturalized:

1. Natives of other Central American Republics who reside in Nicaragua and declare their desire to be Nicaraguans before the proper authority.
2. Foreign women who marry Nicaraguans.
3. Spanish-Americans who have resided one year in the country, and other foreigners who have resided there two years, provided they declare their desire to become naturalized before the proper authority.
4. Persons who secure naturalization papers according to law.

ART. 10. The following persons shall forfeit their Nicaraguan citizenship:

1. Those who, while not residing in Nicaragua, voluntarily secure naturalization in a foreign country not situated in Central America. However, they shall recover their Nicaraguan citizenship by reestablishing their domicile in Nicaragua, at whatever time this occur.
2. Nicaraguan women who marry foreigners, provided they acquire the citizenship of their husbands according to the law of the nation of the latter, but they shall recover Nicaraguan citizenship upon becoming widows if they lose the citizenship of their husbands owing to this cause.

ART. 11. The provisions of this title may be modified by treaty on condition of reciprocity.

TITLE VI.—FOREIGNERS.

ART. 12. The Republic of Nicaragua shall be a safe asylum for any person seeking refuge in its territory.

ART. 13. Foreigners in Nicaragua shall enjoy all the civil rights of Nicaraguans; they shall be obliged to respect the authorities and obey the laws, and in regard to property acquired by them in the country they shall be subject to all ordinary or extraordinary taxes levied against Nicaraguans.

ART. 14. Foreigners shall not be allowed to lay claims against or demand any indemnity of the Nation except in the cases and in the manner in which Nicaraguans may do so.

ART. 15. Foreigners may resort to diplomatic channels only in case of denial of justice. The fact that an executory judgment is unfavorable to the claimant shall not be considered as such denial. If, in contravention of this provision, they fail to amicably terminate the claims which they raise, they shall forfeit the right to dwell in the country.

ART. 16. Extradition for political crimes is prohibited, even though a common-law crime arises therefrom.

Treaties and the law shall specify the cases in which extradition may take place for grave common-law crimes.

ART. 17. The manner and cases in which foreigners may be refused admission to the country or be expelled shall be prescribed by law.

TITLE VII.—CITIZENS.

ART. 18. All Nicaraguans who have reached 21 years of age shall be citizens, as well as all those who have reached the age of eighteen who are married or are able to read and write.

ART. 19. The following shall be rights of citizens:

1. Suffrage.
2. Holding public office.
3. Having and bearing arms, all in accordance with the law.

ART. 20. The rights of a citizen shall be suspended:

1. By virtue of a warrant of arrest or declaration that there is cause for action.

2. By virtue of a sentence involving disfranchisement with respect to the exercise of political rights, during the term of the sentence.

3. By virtue of a sentence imposing a severer than "correctional" penalty, pending rehabilitation.

4. Owing to mental incapacity.

5. For being a fraudulent debtor.

6. For notoriously vicious conduct.

7. For ingratitude toward one's parents or unrighteous abandonment of wife or minor legitimate children.

(A previous legal declaratory decree shall be necessary in case of the grounds set forth under 4, 5, 6, and 7.)

8. For acting in Nicaragua in the employ of foreign (not Central American) Nations without permission from the Legislature.

ART. 21. The right to vote is individual and can not be delegated.

ART. 22. Suffrage shall be direct and public. Elections shall be held at the time and in the manner prescribed by the law.

TITLE VIII.—RIGHTS AND GUARANTIES.

ART. 23. The inhabitants of the Republic, whether Nicaraguans or foreigners, shall be guaranteed individual safety, liberty, equality, and property rights.

ART. 24. The death penalty shall be inflicted solely for the crime of treason committed in a foreign war in the face of the enemy, and for the atrocious crimes of assassination, parricide, and incendiarism or robbery resulting in death and under grave circumstances specified by law.

ART. 25. The Constitution recognizes the right of habeas corpus. Consequently, every inhabitant of Nicaragua shall be entitled to demand the exhibition of a prisoner in person.

ART. 26. A warrant of arrest not issued by a competent authority or in accordance with the legal formalities shall be unlawful.

ART. 27. Detention pending inquiry into common law offenses shall not exceed 8 days, plus the time required to cover distance, for the purpose of placing the accused at the disposal of the proper judge.

ART. 28. A criminal caught in the act may be arrested by any person in order to be delivered up immediately to the authority having power to arrest.

ART. 29. A warrant of arrest shall not be issued unless there is ample evidence that a punishable act deserving a severer than "correction" penalty has been committed, and unless there is at least a strong suspicion as to who is the perpetrator.

ART. 30. Imprisonment or arrest as a penalty or coercive measure (to enforce judicial orders) shall be permissible in the cases and for the period prescribed by law.

ART. 31. No person shall be tried by special commissions or by other judges than those designated by the law prior to the commission of the deed giving rise to the action.

ART. 32. No public authority shall be permitted to remove to another tribunal causes pending before a competent authority, or to [re-] open proceedings which have terminated.

In criminal matters an appeal may be allowed for revision of finished cases in which severer than correctional penalties have been inflicted. The law shall regulate the exercise of this right.

ART. 33. In criminal matters the placing of a person under oath in regard to his own deeds shall be prohibited.

ART. 34. No person may be deprived of the right of defense. Trials shall always be public.

ART. 35. The infliction of perpetual or infamous punishments, whipping, and all kinds of torture are prohibited.

ART. 36. Persons under arrest or imprisoned shall not be deprived of the right of communication except by virtue of another written order from the proper authority, and then for a period not to exceed three days and only for grave crimes.

ART. 37. Nobody shall be kept prisoner or detained in any other place than the public ones intended for the purpose, unless the law so permits and the guilty or detained party expressly consents thereto.

ART. 38. The dwelling of every person shall constitute a safe and inviolable asylum, to be entered only by the authorities in the following cases:

1. In the actual pursuit of a criminal or in order to take out a criminal caught in the act.

2. On demand from inside the house, because a crime is committed therein, or because of scandalous disorder requiring prompt remedy.

3. In case of conflagrations, earthquakes, floods, epidemics, or analogous events.

4. In order to take out things sought in a trial, there being at least fairly ample evidence of the existence of such things (in the house), or in order to execute a legally issued order (of the court).

5. In order to liberate a person who is being unlawfully "sequestered."

6. In order to apprehend a criminal against whom a warrant for arrest or imprisonment for a crime has been issued, there being at least fairly ample evidence that he is hiding in the house to be entered.

In the last three cases the entrance shall not be made without a written order from a competent authority.

Art. 39. When the house to be entered is not the residence of the criminal being pursued, the permission of the owner or occupant shall first be requested.

Art. 40. In cases in which a written order from the authority is required, houses shall not be entered between 7 p. m. and 6 a. m. without the consent of the owner or occupant.

Art. 41. Epistolary correspondence shall be inviolable. That which is purloined from post offices or any other place shall not be admissible as evidence against any one.

Art. 42. Private papers may be seized only by virtue of an order from a competent judge, in the criminal or civil cases determined by the law, and they shall be examined in the presence of the owner, or, in his absence, of two witnesses, those which do not relate to the matter under investigation being returned.

Art. 43. No one shall be molested or persecuted on account of his opinions. Private acts which do not disturb public order, are not contrary to morals, and do not cause injury to third parties shall always be beyond the pale of the law.

Art. 44. All persons shall be allowed to communicate their thoughts freely by word of mouth or in writing without previous censorship, being liable according to law for any abuse of this freedom.

Art. 45. The enactment of proscriptive, confiscatory, or retroactive laws, or of laws imposing infamous punishment shall be prohibited.

Art. 46. The right to reclaim confiscated property shall be imprescriptible.

Art. 47. Imprisonment for debt shall be prohibited.

Art. 48. The freedom of unarmed assemblage and of association for any lawful purpose is guaranteed.

Art. 49. Entails are prohibited.

Art. 50. Every person shall have a right to address petitions to the legally constituted authority, and to have them decided upon and be informed of the decision reached in regard to them.

Art. 51. Every person shall have a right to enter and leave the Republic and to remain in and pass through its territory, in strict obedience to the laws.

Art. 52. Every service which ought not to be rendered without compensation according to law shall be fairly remunerated.

Art. 53. The law does not recognize personal privileges.

Art. 54. Every legally capacitated person shall be free to dispose of his property under any legal title, but in no case shall entails be established.

In testamentary succcessions there shall be compulsory assignments only in behalf of the descendants, ascendants, and consorts, with the preferences and limitations prescribed by law.

Art. 55. Congress alone may authorize loans and levy direct or indirect taxes, and all authorities are prohibited from negotiating the former or levying the latter without its permission, save the exceptions provided in the Constitution.

Art. 56. Direct taxes shall be levied proportionately.

Art. 57. No one shall be deprived of his property except by virtue of a judgment rendered by a competent authority, or by reason of public utility. The condemnation in the latter case must be specifically prescribed by the law or by a judgment based on the latter, and shall not be carried out without previous indemnity.

In case of domestic or foreign war it is not necessary for the indemnity to be previous.

Art. 58. No person enjoying the free right of administration of his property shall be deprived of the right to terminate his civil lawsuits by compromise or arbitraton.

Art. 59. Every author, inventor, or owner of a trade-mark shall enjoy the exclusive ownership of his work, discovery, or mark in the manner and during the time prescribed by law.

Art. 60. No severer than correctional penalty shall be inflicted for common law crimes without a verdict first being rendered by a jury as to the guilt of the accused party.

Art. 61. Monopolies in the interest of private individuals shall be prohibited.

Art. 62. The declaration of a state of siege may temporarily suspend the guaranties mentioned, except:

1. That establishing the inviolability of human life, with its exceptions.
2. That prohibiting trial by judges not designated by the law.
3. That prohibiting the infliction of infamous or perpetual punishments, whipping, and any kind of torture.
4. That prohibiting the enactment of retroactive or confiscatory laws.
5. Those embodied in Arts. 55 and 56.
6. The legal immunities of officials.

Art. 63. The laws regulating the exercise of the (right to enjoy the) constitutional guaranties shall be void insofar as they may diminish, restrict, or impair them.

Art. 64. An official who unauthorizedly restricts any of the guaranties contained in this Title shall be liable to damages commensurate with the injury caused, without prejudice to other legal liabilities.

TITLE IX.—LEGISLATIVE BRANCH.

Art. 65. The legislative power shall be vested in a Congress composed of two Houses—the Senate and the House of Representatives.

Art. 66. Congress shall convene at the capital of the Republic on December 15 of each year without the necessity of a call. It shall hold 45 regular sessions, subject to extension to 15 more.

Art. 67. It shall also hold extra sessions when convoked by the Executive, and in this event it shall deal only with matters submitted to it by the latter.

Art. 68. Congress may also convene and continue its sessions in any other town of the Republic without a call by the Executive, but in no case shall the legal quorum be supplied by uninstalled substitutes.

Art. 69. The election of Representatives shall be by popular suffrage, direct and public. The "departments" of the Republic shall be divided for this purpose into as many electoral districts as they contain multiples of 15,000 inhabitants, a district being added for fractions over 8,000. Each district shall elect one regular and one substitute representative.

The Regions of Cape Gracias á Dios and San Juan del Norte shall each (?) be considered as an electoral district.

Art. 70. Each "department" shall be entitled to elect one regular and one substitute Senator for every two Representatives. If the number of Representatives is an odd one, another regular and substitute Senator shall be elected.

Art. 71. The law shall make the necessary demarcations for the elections.

Art. 72. Five days before the dates set for Congress to convene, the Senators and Representatives shall meet and hold their respective preliminary conferences; and in the presence of at least five members of each House they shall draw up Rules and take the necessary measures for bringing their members together and solemnly convening Congress.

Art. 73. One-half plus one of the Seators and Representatives shall be sufficient in each House in order to legally convene.

Art. 74. The Representatives shall serve four years in their office, one-half being renewed every two years.

Art. 75. The term of office of the Senators shall be six years, one-third being renewed every two years.

Art. 76. In order to be a Representative it shall be necessary to be a citizen in the exercise of one's rights, belong to the laity, and have reached the age of 25 years.

Art. 77. In order to be a Senator it shall be necessary to be a citizen in the exercise of one's rights, belong to the laity, and have reached the age of 40 years.

Art. 78. The following shall not be eligible as members of the Legislative Branch:

1. Persons who have held office by appointment of the Executive within two months preceding the election.

2. The magistrates of courts of justice and the officials under them.
3. Relatives of the President of the Republic, within the second degree of consanguinity or affinity.
4. Persons who, having administered or collected public funds, are not yet solvent in this regard.

ART. 79. Senators and Representatives shall enjoy the following prerogatives from the date of their election:

1. Personal immunity from indictment or trial for official or common law crimes, unless Congress first declare them subject to prosecution.
2. They shall not be subject to civil suit from thirty days before the opening of the regular session of Congress, or from the date of a decree calling an extra session, to fifteen days after the termination of either.

If the suits or actions are already pending, the proceedings shall be suspended during the sessions.

3. They shall not be called into military service without their consent.
4. They shall not be banished from the Republic, confined, or deprived of their liberty on any ground, even during a state of siege, unless Congress declares them amenable to prosecution.

ART. 80. Members of Congress may accept offices from the Executive during recess, but during sessions they may only accept the offices of Head of Department, Diplomatic Officer, or Professor. In either case they shall forfeit their capacity as Representative by the acceptance of any office except the last two mentioned.

ART. 81. The Executive shall give an account to the House of Congress, when convened, of all appointments he has made in order that they may supply the vacancies produced. During a recess of Congress it shall be the duty of the Executive to have the vacancies filled.

ART. 82. The Houses shall open and close their sessions at the same time, and neither of them shall suspend or extend them for more than three days without the concurrence of the other.

TITLE X.—RIGHTS COMMON TO THE HOUSES.

ART. 83. Each House shall have a right, without the interference of the other:

1. To regulate the order of its sessions and everything relating to its internal rules.
2. To pass upon the election and credentials of its members.
3. To compel their attendance.
4. To accept by a two-thirds vote the resignations of its members founded on duly verified legal grounds.
5. To order reelections in case of missing, deceased, resigning, or incapacitated members.
6. To ask the Executive for a statement of the receipts and expenditures on all or any of the accounts, as well as for reports on any branch of the administration.
7. To invite the other House to a joint conference.

TITLE XI.—RIGHTS AND DUTIES OF CONGRESS WHEN CONVENED IN JOINT SESSION.

ART. 84. It shall be the duty of Congress:

1. To regulate the order of its sessions.
2. To regulate the votes and judge and declare the election of President and Vice President of the Republic, and to elect these officers in the cases provided by the Constitution.

The President shall be that duly qualified citizen who receives the majority of votes of all qualified voters. If no person receives such a majority, Congress shall elect the President between the two persons who have received the largest number of votes, even though this number should be equal in case of both. The same rule shall be observed in electing a Vice President. Ties occurring in the popular election or in that made by Congress shall be settled by lot whenever this measure is necessary in order to apply the rules of the present article.

3. To select each year two emergency candidates to act in their order as President of the Republic when there is an absolute or temporary lack of a President and Vice President.

The persons selected as emergency candidates must be members of the National Legislature who fulfill the requirements for being President of the Republic.

4. To select the judges of the supreme court and court of appeals.

5. To act on resignations of the President and Vice President of the Republic and of judges of courts.

6. To declare, by a two-thirds vote, when it is proper to institute proceedings against the President, Vice President, Senators, Representatives, Judges, heads of Departments, and Diplomatic Officers of the Republic.

7. To extend for the Executive the period within which laws and other provisions are to be published.

8. To administer the constitutional oath to officials whom it selects or declares elected.

9. To declare the preference when the same person is elected as a member of different branches of the Government, in the following order:

1. President of the Republic.
2. Vice President of the Republic.
3. Senator.
4. Representative.

TITLE XII.—RIGHTS AND DUTIES OF CONGRESS WHEN CONVENED IN SEPARATE SESSION.

ART. 85. It shall be the duty of Congress when convened in separate session:

1. To enact, construe, revise, and repeal laws.

2. To create and abolish offices, establish pensions, confer honors, and grant amnesties.

3. To take all suitable measures for the safety and defense of the Republic.

4. To change the place of residence of the supreme governmental authorities.

5. To award prizes and grant temporary privileges to authors or inventors of things of general utility, and to persons who have introduced new or improved existing industries.

6. To grant subsidies or premiums on objects of public utility which contribute toward establishing new industries or promoting agriculture.

7. To approve or disapprove the conduct of the Executive.

8. To approve, amend or abrogate treaties concluded with foreign nations.

9. To regulate maritime and land commerce.

10. To approve or disapprove the accounts of public expenditures.

11. To fix the estimates each year.

12. To determine the duties of the officials of the Republic, and designate the territorial jurisdiction within which they are to act.

13. To levy taxes.

14. To order the alienation or lease of national property and the devotion thereof to public uses, or to authorize the Executive to do so on conditions suitable to the Republic. The public revenues or taxes shall not be alienated or leased out.

15. To authorize loans and regulate the payment of the national debt, or determine the conditions on which the Executive shall do so.

16. To open ports; create, transfer, or abolish customhouses; or lay down rules in accordance with which the Executive may do so.

17. To fix the weight, standard, value, type, and denominations of the national money and regulate the system of weights and measures.

18. To declare war and make peace or authorize the President for this purpose.

19. To fix the strength of the land and naval forces at each regular session.

20. To permit or refuse to permit the troops of another country to cross through the territory of the Republic, and to authorize the departure of national troops from Nicaragua. During a state of war the Executive shall have these powers.

21. To declare martial law ("state of siege") and even to suspend the constitutional order of things throughout the Republic or in a part thereof, when public peace is threatened or in case of foreign aggression. Such a declaration or suspension shall last sixty days at most, according to circumstances, a new declaration by Congress being necessary in order to prolong it.

22. To confer the grades of General of Brigade and Division.

23. To grant pardons or commutations of sentences, at the instance of the Executive, after receiving a report from the Supreme Court.

24. To grant premiums or rewards for eminent services.

25. To approve or disapprove contracts concluded by the Executive with individuals or companies regarding loans, colonization, navigation, and other

works of general utility, provided they are permitted by the constitution and involve temporary privileges or affect the property of the Nation, or when money not appropriated in the estimates is availed of therein.

26. To permit the establishment of pawnshops and banks of issue.

27. To determine the coat of arms and flag of the Republic.

28. To grant or refuse permission to Nicaraguans to accept offices in foreign countries when the duties thereof are to be discharged in Nicaragua.

ART. 86. The Legislative Branch can not supply or declare the civil status of persons, or confer academic or literary degrees.

ART. 87. The powers of the Legislative Branch cannot be delegated, except the authority to legislate in the departments of Fomento, Police, Charity, and Public Instruction, which may be delegated to the Executive during a recess of Congress; and the powers relating to the administration of the constitutional oath to officials whom it elects or declares elected.

ART. 88. In the measures and laws enacted by Congress the following phraseology shall be used: "The Senate and House of Representatives of the Republic of Nicaragua decree, resolve, and declare: (here follows that which is decreed or resolved). Given in the Session Hall of Congress (when in joint session) or of the Chamber in which the measure originated (when in separate session), place and date." Then follow the signatures of the President (Speaker) and Secretaries of the Congress or Chamber, as the case may be. Upon the measure being approved in the other Chamber, the latter shall say: "To the Executive, Senate or House of Representatives" (as the case may be), setting down the proper place and date and the signatures of the Presiding officer and Secretaries concerned.

ART. 89. All measures of the Legislature shall be enacted in the form of a law or resolution.

ART. 90. Any bill or resolution may originate in either Chamber, only measures relating to taxes being reserved to the House.

ART. 91. Only Representatives and Senators in their respective Chambers, Secretaries of Departments on behalf of the Executive, and the Supreme Court, in matters pertaining to their branch, shall have a right to recommend such bills, resolutions, or declarations as they deem suitable.

ART. 92. When a bill is passed in one Chamber it shall go as an original measure to the other, which shall take it into consideration and may pass it or not, or revise it. In the latter case the bill shall be regarded as originating in the Chamber that revises it.

ART. 93. No bill shall be finally passed until subjected to two deliberations on different days, except in case of urgency as determined by a two-thirds vote taken after a single discussion.

ART. 94. Every bill, upon being passed by Congress in separate session, shall be transmitted to the Executive within three days at the latest after passage, in order that he may give it his sanction and have it promulgated as a law within ten days.

ART. 95. If the President, with the advice and consent of his Cabinet, should find objections to sanctioning the bill, he shall return it to Congress within five days, setting forth the grounds on which he bases his dissent. If he does not object to it within the period mentioned, it shall be considered as being sanctioned, and shall be published as a law. When the Executive returns the bill, Congress shall subject it to a further deliberation in joint session, and if it should be ratified by a two-thirds vote, it shall be retransmitted to the Executive accompanied by the words "Ratified constitutionally", whereupon the Executive shall have it published without delay.

ART. 96. When Congress passes a bill during the last five days of its session and the Executive deems it inexpedient to sanction it, he shall immediately give notice to Congress in order that it may remain in sesssion for ten days from the date on which the autograph was transmitted to it; if he fails to do this, the law shall be considered sanctioned.

ART. 97. When a bill has been rejected it can not be brought forward again until the next Legislature.

ART. 98. The sanction of the Executive shall not be necessary to the following decrees and resolutions:

1. In elections made or declared by Congress, and in resignations accepted or declined.

2. In regulations issued by Congress or the Chambers for their internal government.

3. In resolutions for convening, for transferring its seat elsewhere, and for suspending or extending its sessions.

4. In the law on the estimates.

5. In decrees relating to the conduct of the Executive.

6. In articles of impeachment (declarations that there is ground for instituting proceedings.)

ART. 99. Whenever the purpose of a bill not originating in the Supreme Court is to revise or repeal provisions of the Civil or Criminal Code, Code of Commerce, Mining Code, or Code of Procedure, it shall not be discussed without hearing the opinion of said Court, which shall give its opinion either during the same session or that of the next year, according to the extent, importance, or urgency of the bill.

ART. 100. The wording to be used in publishing laws shall be as follows: "The President of the Republic to the inhabitants of the latter, know ye that the Congress has ordained as follows (Here the text and signature) Therefore let it be enforced."

TITLE XIII.—EXECUTIVE BRANCH.

ART. 101. The office of Chief Executive shall be held by a citizen called President of the Republic, in his absence by the Vice President, and failing the latter by one of the emergency candidates according to their order.

ART. 102. The President of the Republic, the Vice President, and the emergency candidates must be citizens in the exercise of their rights, have reached the age of 30 years, belong to the laity, and be natives of Nicaragua.

ART. 103. The election of President and Vice President of the Republic shall be by popular vote, direct and public.

ART. 104. The term of office of the President and Vice President shall be four years, beginning on January 1. No citizen who holds the office of President, either as the duly elected incumbent or accidentally, shall be eligible to the office of President or Vice President for the next term.

ART. 105. No person shall be elected President or Vice President who is related by blood or marriage in a direct line, or up to the fourth degree inclusive in a collateral line, with the President of the Republic or with the person holding the office of President during the last six months prior to the election.

ART. 106. In case of the absolute or temporary lack of a President of the Republic, the office of Chief Executive shall devolve on the Vice President, and in default of the latter, in one of the emergency candidates in the order of their election. In the latter case, if the Congress is in session, it shall be its duty to authorize the entrustment of the office to the Representative whom it may designate, who must fulfill the requirements for President of the Republic.

ART. 107. Until the person designated by law receive the office of President, it shall be discharged by the Secretary of the Interior, who shall give up possession to the new official if Congress is not in session.

ART. 108. The President shall not leave the country during the term of his office without permission from Congress, nor shall he do so at the end of his term if there are proceedings pending against him for official or common law offenses.

TITLE XIV.—DUTIES AND POWERS OF THE EXECUTIVE.

ART. 109. The President of the Republic is the Chief Magistrate of the Nation and Commander in Chief of the land and naval forces. He has charge of the general administration of the country, which he shall carry on through Secretaries of Department and their Assistant Secretaries.

ART. 110. The law shall determine the number of Secretaries of Departments and the distribution of duties among them.

ART. 111. The duties of the Executive shall be as follows:

1. To defend the independence and honor of the Nation and the integrity of its territory.

2. To enforce and have enforced the Constitution and laws, issuing the necessary decrees and orders for the purpose, without altering the spirit of the former.

3. To appoint Secretaries and Assistant Secretaries of Departments and other Executive officers.

4. To preserve the domestic peace and security of the Republic and repel all attacks and aggressions from abroad.

5. To afford the members of the Judiciary such aid and power as they may need in order to carry out his orders.

6. To remove officials freely appointed by him.

7. To recommend to Congress, when required by the public welfare, amnesties, pardons, or commutations of sentences of criminals, and to grant amnesties during recesses of Congress.

8. To call extra sessions of Congress when the interests of the Nation require.

9. To present to the Legislature, through the Secretaries of the several Departments and within fifteen days from the date on which it convenes, a detailed report on the administrative branches, and itemized account of the proceeds and expenditure of the revenues, and the estimates of expenditures for the following year, pointing out improvements of which the legislation may be susceptible.

10. To conclude treaties and any other diplomatic negotiations, submitting them to Congress for its ratification.

11. To direct foreign relations, appoint consuls and diplomatic officers or ministers of the Republic, and admit and receive those appointed by foreign nations.

12. To cause the revenues of the Republic to be collected and expended in accordance with the law.

13. To confer military grades in time of peace up to Colonel inclusive, and the higher grades up to General of Division in the field; and recommend to Congress the conferring of these latter grades in time of peace.

14. To assemble the military forces, land and naval, organize them, and distribute them in accordance with the law and the needs of the Republic.

15. To grant privateering licenses and letters of reprisal.

16. To declare martial law and even suspend the constitutional order of things, during recesses of Congress, in the cases and under the conditions provided in Art. 85, No. 21.

17. To grant naturalization papers.

18. To direct and encourage public instruction, to diffuse popular education, and exercise supreme supervision over private institutions of learning.

19. To sanction laws, use the veto power in appropriate cases, and promulgate without delay all legislative measures which do not require the Executive sanction.

20. To order vacancies of Senators and Representatives filled during recesses of Congress within one month at the latest from the time they occur.

21. To publish monthly statements of the receipts and expenditures of the public revenues.

22. To watch over the legal exactness of money and to decide as may be proper regarding the admission of foreign money into circulation. To see to the uniformity of weights and measures, and in general to exercise supreme police supervision.

23. To attend to the internal security and external defense of the country.

24. To conclude contracts for the purpose of supplying the needs of administration and to submit to the ratification of Congress those which relate to loans, colonization, navigation, and other works of utility, as well as those which involve temporary privileges or affect national property, or when money not appropriated in the estimates is availed of therein.

25. To declare war with the authorization of Congress, and make peace when the convenience of the Nation requires.

26. To direct the operations of war as Commander in Chief of the National Army and Navy. When he wishes to place himself at the head of the Army, he shall commit the office of President to the person who is to take his place in accordance with the Constitution and he shall remain invested solely with the character of Commander in Chief and with the powers of Commanding General.

27. To see that Congress convene on the date set by the Constitution, taking the necessary measures for the purpose in due time.

28. To grant patents and copyrights in order to guarantee for a certain period literary property and inventions applicable to new industries or to the improvement of those already existing.

29. To designate, during recess of Congress, the place where the Government authorities shall transfer their seat when grave grounds arise for taking this step.

30. To raise the necessary force in order to repel any invasion or quell rebellions, and in these cases to levy taxes or negotiate loans and give an account to Congress at its next session.

31. To control the land and naval forces for the defense and security of the Republic, in order to maintain order and tranquillity therein, and for any other purpose demanded by the public service.

32. To rehabilitate, in accordance with the law, those citizens who have been suspended in the exercise of their rights.

33. To take the necessary measures in order that the elections may be held at the time prescribed by law, and in order that the rules provided by the law may be observed.

34. To close or open ports during recesses of Congress.

35. To adopt regulations governing his duties and powers.

36. To adopt measures for taking the census of the population and other branches of the national statistics.

37. To establish special rules for the temporary government of regions which are uninhabited or inhabited by uncivilized aborigines.

38. To determine the rules to which the occupation or alienation of vacant public lands shall be subject, and to devote these lands to colonization and useful enterprises.

39. To suspend the execution of the death penalty whenever requested to take the initiative in commuting a sentence, being obliged to give an account to the next session of Congress.

ART. 112. When public tranquillity is threatened, the Executive may issue warrants of arrest against persons presumed to be guilty, and examine them, placing them at the disposal of a competent judge within ten days; however, if it is necessary in the opinion of the Executive to confine in the interior or expel from the Republic any persons suspected of conspiracy or treason, he shall decide on the proper steps to be taken at a Cabinet meeting and with the votes of two regular (not substitute) Senators. If public order is disturbed, the concurrence of the Senators shall not be necessary.

ART. 113. The President and his ministers, and Senators, as the case may be, shall be responsible for measures adopted by them against the Constitution and the laws. In civil matters the responsibility shall be joint.

TITLE XV.—HEADS OF DEPARTMENTS.

ART. 114. The Heads of Departments must be citizens in the exercise of their rights, natives of Nicaragua, laymen, and 25 years old.

All decrees, resolutions, and orders of the President must be authorized by the heads of the departments within their respective spheres.

ART. 115. The following persons shall be barred from holding the position of head of a department:

1. Contractors for work or public services on account of the Nation.
2. Persons who, as a result of their contracts, have claims in their own interests against the Public Treasury.
3. Debtors to the Public Treasury.
4. Persons administering public funds, until their accounts are finally settled.
5. Relatives of the President within the second degree of consanguinity or affinity.

ART. 116. Heads of departments may attend, without voting, the deliberations of the Legislature, and they shall be obliged to attend whenever called upon, and answer any inquiry made of them by any Representative (or Senator) in regard to the affairs under their administration, except those relating to war and foreign affairs, when secrecy is deemed necessary, unless the Chamber decides to the contrary.

TITLE XVI.—THE JUDICIARY.

ART. 117. There shall be three Courts of Appeals, one situated in the city of Granada, another at León, and the third at Bluefields. The first two shall be composed of six regular judges, three for each of the two sections—civil and criminal; the Bluefields court shall have three regular and two substitute judges. The inferior judge shall be determined by statute.

The Justices of the Supreme Court and of the Court of Appeals shall be appointed by Congress in joint session, the term of office of the former lasting six and of the latter four years.

Congress may create other courts of appeals.

ART. 118. The Justices must be citizens in the exercise of their rights, belong to the laity, and be lawyers and have reached the age of 30 years.

ART. 119. Persons connected by blood relationship within the fourth degree or by marriage within the second shall be barred from serving as justices or judges in the same court.

If two or more persons related within these degrees are appointed, the person receiving the largest number of votes shall be preferred, and in case of a tie, the person who has longest been a lawyer.

The appointment of the others shall be made over again.

ART. 120. The law shall regulate the organization of the judiciary and the administration of justice.

ART. 121. The rights to judge and carry out judgments belong to the (higher and lower) courts.

ART. 122. The courts and judges of the Republic shall preferably apply:

1. The Constitution and constituent laws.
2. The laws and legislative decrees; and
3. Executive decrees and resolutions.

In no case shall they heed any provisions or revisions made by virtue of a dispatch (official communication).

ART. 123. The Supreme Court shall moreover exercise the following powers:

1. Adopting its internal rules.
2. Take original cognizance of official and common law offenses of high officers whom Congress has impeached.
3. To authorize lawyers, scriveners, and notaries who have been received within or outside the Republic to carry on their business, and to suspend and reinstate them according to law.
4. To take cognizance of appeals against decisions of the Court of Accounts.
5. To take cognizance of appeals for review and protection (amparo) in the cases indicated by law.
6. To try maritime prize cases and other matters referred to it by law.
7. To appoint inferior judges, legal physicians, and registrars of property, in accordance with the law.
8. To accept resignations of employees appointed by it and even to remove them before the expiration of their terms of office, with or without statement of grounds, it being necessary in the latter case that the resolution be adopted unanimously.
9. To decide protests made against ordinances issued by municipalities and other local administrative bodies, when contrary to the Constitution and the laws.

ART. 124. Any person injured in his rights by the application of a law in a particular case may challenge the constitutionality thereof directly before the Supreme Court, provided the law relates to matters not triable before the (ordinary) courts.

ART. 125. The administration of justice in the Republic shall be without charge.

ART. 126. Members of courts shall not hold any office filled by popular election or conferring additional jurisdiction.

ART. 127. The courts may demand the aid of the armed forces for the execution of their decisions, and if the armed forces are refused them or are unavailable, they may demand such aid from the citizens. Any official or citizen who refuses to give aid shall render himself liable.

ART. 128. In no case shall there be more than three trials and the same judges shall not officiate in more than one thereof.

ART. 129. In civil matters a jury may be called upon to pass on the facts, when so requested by the parties, and in this case the judge shall merely apply the law.

ART. 130. The magistrates of courts of justice shall enjoy the same immunities and prerogatives as representatives in Congress, except the exemption from civil suits.

ART. 131. The Justices of the Supreme Court may, with a voice but not with a vote, attend the deliberations of either of the Legislative Chambers or of both in joint session whenever they relates to matters originating in or recommended by said Court, or to those dealt with in Art. 99.

TABLE XVII.—THE ESTIMATES.

ART. 132. The estimates shall be passed by Congress in view of the recommendations of the Executive and Judiciary within their respective spheres.

ART. 133. The draft of the estimates shall be presented by the Secretary of the Treasury fifteen days at the latest after Congress convenes.

ART. 134. All expenditures made outside the estimates shall be unlawful, and the official ordering payment and the employee making the payment shall be jointly responsible for the amount expended, without prejudice to whatever penalties may be incurred according to law.

ART. 135. The treasure of the Nation shall comprise:

1. All its real and personal property.
2. All its outstanding credits.
3. All duties, imposts, and taxes paid into the treasury by the inhabitants of the Republic.

ART. 136. For the administration of the public revenues there shall be a General Collection and Disbursement Office, as well as such other offices as may be necessary.

ART. 137. In order to hold the office of Treasurer General it shall be necessary to be thirty years old, a citizen in the exercise of one's rights, of notably good conduct, and not to be a creditor or debtor of the Public Treasury or have accounts pending therewith.

ART. 138. For the purpose of exercising supervision over the National Treasury, there shall be a Court of Accounts (Auditor's Office) to which shall be committed the examination and final settlement of all accounts kept by officers administering public interests.

The members of this court must fulfill the same requirements as the Treasurer General, but all employees except the President may be as young as 25 years. Their number, organization, and powers shall be determined by law, their appointment, as well as that of Treasurer General, being in the hands of the Chief Executive.

ART. 139. No public authority, official, or corporation shall be permitted to conclude contracts in which national property or funds or those of local juntas are involved for any purpose, without previously receiving bids and publishing the offers made. Cases are excepted in which, owing to the nature of the contracts, the latter must be concluded with certain individuals, or in which, owing to the small amount involved, it is not necessary to call for bids. The law shall provide regulations for this matter.

TITLE XVIII.—THE ARMY.

ART. 140. The public forces are established for the sake of insuring the rights of the Nation, enforcing the law, and maintaining public order.

ART. 141. The discipline of the army shall be regulated by military laws and orders. No armed body shall be allowed to deliberate or to exercise the right of petition.

Soldiers in actual service shall not be permitted to hold offices filled by popular election.

ART. 142. Military service shall be compulsory, but in time of peace this duty may be discharged through a substitute. Every male Nicaraguan from 18 to 45 years of age is a soldier of the army. The law shall provide for the proper organization and specify grounds for exemption from service.

Ministers of the gospel of any denomination shall render service in the army only as chaplains and in the ambulance service.

ART. 143. There shall be no fuero atractivo and military persons in actual service shall be subject to military jurisdiction for purely military offenses.

TITLE XIX.—DEPARTMENTAL (PROVINCIAL) GOVERNMENT.

ART. 144. For purposes of civil administration, the territory of the Republic shall be divided into "departments" (provinces), and there may be districts (comarcas), the number and boundaries of which shall be determined by law.

TITLE XX.—MUNICIPAL GOVERNMENT.

ART. 145. The local government of towns shall be in charge of Municipalities (Municipal Governments); the officers of which shall be elected by popular, public, and direct vote of the citizens of the respective towns in accordance with the law.

ART. 146. The number of officers of Municipal Governments shall be determined by law, taking into account the number of inhabitants of each town.

ART. 147. The powers of Municipal Governments shall be purely economic and administrative. They shall be determined by law, as shall also the requirements laid down in order to be a member thereof.

ART. 148. Municipal Governments may freely levy local taxes in accordance with the Constitution and general laws, submitting them to the approval of the Executive when they affect solely the interests of the town concerned or of the province to which it belongs, and to the Legislature when they impose burdens on one or more other provinces, even though indirectly.

ART. 149. Municipal Governments shall administer the funds of the community for the benefit of the latter, rendering an account to the superior authority established by the law; and they shall publish annually a detailed report on the receipts and expenditures of their funds.

ART. 150. In the discharge of their exclusive duties they shall be independent of the other authorities, but they must not in any case violate the general laws of the country, and they shall be responsible collectively and individually before the courts for any abuses they may commit.

ART. 151. Municipalities shall elect their own officers, and they may also appoint local police officers for purposes of order, security, hygiene, convenience, embellishment, and recreation; and they may enact regulations on these subjects in accordance with the general laws.

ART. 152. The officers of Municipal Governments shall not be obliged to discharge any other duties, not even military service, in time of war.

ART. 153. Municipal resolutions having the character of local laws shall be submitted to the approval of the Executive.

TITLE XXI.—RESPONSIBILITY OF PUBLIC OFFICIALS.

ART. 154. Every public official shall, upon assuming office, take an oath to carry out and cause to be carried out the Constitution and laws, and he shall be responsible for his acts.

ART. 155. The President of the Republic, Senators, Representatives, Magistrates of Courts of Justice, Secretaries and Assistant Secretaries of Departments, and Diplomatic Ministers and Officers shall be responsible before Congress for any common law crimes they may commit and for such official offenses as they may commit during the discharge of their duties, for purposes of impeachment and placing the guilty parties at the disposal of the proper court.

ART. 156. Once a judgment has been pronounced declaring an officer guilty of an official offense, he can not be granted pardon.

ART. 157. Notwithstanding approval by Congress of the conduct of the Executive Branch, the President and the Heads of Departments may be indicted for official offenses up to five years after quitting their offices.

ART. 158. When a public official still in office is impeached and acquitted, he shall resume the discharge of his duties.

TITLE XXII.—CONSTITUENT ("CONSTITUTIVE") LAWS.

ART. 159. The following laws are "constitutive": the law on the press, martial law, and the law of *amparo*.

TITLE XXIII.—REVISION OF CONSTITUTION AND CONSTITUTIVE LAWS.

ART. 160. When a partial revision of the Constitution or constitutive laws is deemed appropriate, this may be done by observing the following rules:

1. The project shall be presented by two or more members of the Houses and read twice with an interval of 4 days.
2. Upon being taken up for debate, it shall be turned over to a committee which shall present its opinion within six days.
3. The opinion of the committee shall be read twice on different days.
4. When the revising law has been approved by a two-thirds vote in both Houses, it shall be published by the press.
5. The amendment will be without legal effect until it has received the approval of a two-thirds vote in the next Legislature, after a lapse of two years, and in accordance with usual procedure.

ART. 161. Amendments to the articles of the Constitution which prohibit the reelection of the then President of the Republic, shall not be effective during the period in which such amendments are made, nor in the following one.

ART. 162. Treaties or pacts referred to in the last part of Art. 2, shall be ratified by a two-thirds vote of each Chamber, such action being regarded as an amendment to the Constitution, notwithstanding the terms of this Title.

ART. 163. An absolute [Constitutional] reform shall not be made until after a lapse of 10 years; and for this purpose the regulations of Art. 160 shall be observed. A declaration to this effect having been made, a Constituent [sic] Assembly shall be convoked.

ART. 164. The ordinary Congress upon declaring that the Constitution should be entirely revised, shall close its sessions and become dissolved in so doing.

TITLE XIV.—GENERAL PROVISIONS.

ART. 165. The present Constitution supersedes that of March 30, 1905, and the Guarantee Law of September 15, 1910; moreover it declares the Constitution signed on April 4 of this year by the previous Constituent Assembly to be null and void.

ART. 166. Until revised or repealed, other laws shall remain in force provided they are not contrary to the provisions of the Constitution.

ART. 167. The present Constitution shall go into force on March 1 of this next year 1912.

TITLE XXV.—TRANSITORY PROVISIONS.

ART. 168. Pending the convening of the first Constitutional Congress, elected in the manner and at the time authorized by the present Constituent Assembly, the latter shall continue to discharge its duties and those which belong to the ordinary Congress in accordance with the Constitution.

ART. 169. The renewal of Representative during the first biennal period shall be by lot, as shall also be that of Senators in the first and second biennal periods.

ART. 170. The decrees of the present Constituent Assembly in regard to appointments of President and Vice President of the Republic and of Justices of the Supreme Court shall remain in full force and vigor for the time which they respectively comprise.

ART. 171. The decrees of May 18, July 15, and October 14 last regarding creation, powers, and duties of the Mixed Commission shall likewise remain in full force notwithstanding the provisions of this Constitution. The present Constituent Assembly shall, without any restriction, enact such revisional and supplementary laws and provisions as may be conducive to the objects stated in said decrees.

ART. 172. As soon as the Constitution is promulgated, all government officials shall take oath in legal form to strictly and faithfully observe all its provisions.

Given in the Hall of Sessions of the National Constituent Assembly at Managua on November 10, 1911.

Ignacio Suárez, President [of the Assembly], Representative for the Department of Jinotega.
[and 39 others.]

Let it be published. EXECUTIVE MANSION, *Managua, December 21, 1911.*
ADOLFO DÍAZ.

SALV. BUITRAGO DÍAZ,
Ministro de la Gobernación, Justicia, etc.
PEDRO RAF. CUADRA,
Ministro de Hacienda y Crédito Público.
DIEGO M. CHAMORRO,
Ministro de Relaciones Exteriores, etc.
LUIS MENA,
Ministro de la Guerra y Marina.
A. CANTÓN,
Ministro de Fomento y Obras Públicas.

POLITICAL AFFAIRS.[1] REVOLUTIONARY PLOTS. THE MENA INSURRECTION. BREACH OF THE DAWSON AGREEMENTS AND OF THE WASHINGTON CONVENTIONS. MEASURES TAKEN BY THE UNITED STATES FOR PROTECTING LIFE AND PROPERTY OF FOREIGNERS. ARREST AND DETENTION OF MENA. ELECTION BY DIRECT POPULAR VOTE OF ADOLFO DÍAZ AS CONSTITUTIONAL PRESIDENT FROM JANUARY 1, 1913.

File No. 817.00/1746.

The American Chargé d'Affaires to the Secretary of State.

[Telegrams—Paraphases.]

American Legation,
Managua, January 1, 1912.

The president of Costa Rica, Jiménez, informs the Nicaraguan Chargé d'Affaires in Costa Rica that a movement on Nicaragua from Costa Rica is imminent; that the President of Guatemala, Estrada Cabrera, is supporting Irias in this connection; that the Liberals of Nicaragua have telegraphed Irias to act immediately or they will drop him. The President of Nicaragua, however, does not fear anything of a serious nature unless Mena or Chamorro should further the movement.

Gunther.

File No. 817.00/1749.

American Legation,
Managua, January 4, 1912.

A telegram from President Araujo of Salvador to the President of Nicaragua says that President Estrada Cabrera of Guatemala is in constant communication with José Dolores Gámez[2] in Costa Rica through General Nicasio Vásquez who has unlimited entrée at the presidential Mansion. President Araujo has intercepted correspondence clearly establishing the complicity of Estrada Cabrera, and advises the President of Nicaragua to watch the frontier closely.

Gunther.

File No. 817.00/1749.

The Secretary of State to the American Chargé d'Affaires.

[Telegram—Paraphrase.]

Department of State,
Washington, January 5, 1912.

Your January 4. You will repeat it to the American Legations in Costa Rica, San Salvador and Guatemala, adding that the Department requests a full report after careful investigation. Request of Heimke[3] transmission of copies of intercepted correspondence mentioned.

Knox.

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[1] Continued from For. Rel. 1911, pp. 648–671.
[2] Former Minister in the Cabinet of ex-President Zelaya.
[3] American Minister to Salvador.

File No. 817.00/1764.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 163.] AMERICAN LEGATION,
Managua, January 6, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 65 of November 25,[1] enclosing for my information a copy of a despatch by which the Minister at Tegucigalpa communicated to the Department the substance of an interview regarding political affairs in this country which he had with General Emiliano Chamorro on September 17th last.

Since General Chamorro's return to Nicaragua on October 31st, he has been twice to see me at the Legation where he freely discussed the political situation in this country and in the other Central American States. He reminded me that at the end of the revolution he had the arms in his power, and that he did hand them over to General Mena of his own free will, preferring not to accept the Ministry of War in order to remain at liberty to launch his candidacy for the Presidency, and that he had refrained from doing this upon the conclusion of the Dawson Agreements.[2] Further, that he had declined to accept a portfolio in the Estrada administration for the same reasons. Here, however, it is to be remembered that General Chamorro came into control of the Assembly, a more powerful position, if independent, than any Ministry. He must have reckoned with this probability in view, estimating in full his popularity in the country.

He went on to say that, confiding in the American program as outlined in the Dawson Agreements, which he had always scrupulously observed, he had refrained at all times from entering into any revolutionary movement whatsoever against the present Government, in spite of the many opportunities offered him with a strong probability of success. That General Chamorro could within a few days' notice lead a very formidable revolution I do not doubt, knowing as I do his tremendous popularity with the people of Nicaragua. Furthermore, in order to meet the budget for the coming year the Minister of War has been induced to cut his standing army down to about 1600 men only, and all other military expenditures in proportion. The Government is not in a position to withstand, unaided, even a feeble uprising. In answer to my direct inquiry as to whether he intended at any time in the future to start a revolution he replied, "Only in case the Dawson Agreements are not carried out with reference to free elections, in which case I most certainly will."

We then discussed conditions in Guatemala, Salvador and Honduras, all of which he recently visited during his voluntary exile. * * * General Chamorro is quiet and dignified in his bearing, and extremely likable personally. His popularity is stupendous. Even the Liberals will hardly ever say a word against him, even though they may consider him their enemy. He is apparently very retiring and modest, and professes to be unambitious and willing to sacrifice personal leanings to the good of his country and party. Up to the present time he has been invariably truthful in his dealings with the Legation. Were he to be chosen under the Dawson Agreement No. 4, as the candidate for the presidency, and a free election should follow, I believe, all other things being equal, and if the other signers gave him their full support, that he would receive the presidency by an overwhelming majority. * * *

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[1] Not printed. (File No. 812.00/1384.)

[2] For. Rel. 1911, pp. 652–653.

I have [etc.]

F. M. GUNTHER.

File No. 817.00/1765.

The American Chargé d'Affaires to the Secretary of State.

No. 164.]

AMERICAN LEGATION,
Managua, January 8, 1912.

SIR: I have the honor to call the Department's attention to the attitude observed by the signers of the so-called Dawson Conventions, with regard to the pledges contained therein.

The first to break the agreements was General Juan J. Estrada. Agreement No. 4, which affects Nicaraguan politics though not international relations, contains the clause:

> Also it is agreed that the Government to be established in Nicaragua must not permit, under any pretext, the Zelayista element in its administration.

This clause was inserted in the original draft of the agreement by General Estrada himself, in his own handwriting. Nevertheless, as the Department has already been informed,[1] on the night of the 8th and morning of the 9th of May last, General Estrada, as President of the Republic, attempted a coup d'état, with a view to turning the Government over to the Liberal party teeming with the Zelayista element. Through his brother, General Aurelio Estrada, and other prominent Liberal and Zelayista leaders, he had called the Liberals of Managua and adjacent parts to the Campo de Marte, and there ordered the chiefs of the garrison to supply them with arms. Those chiefs of garrison, being Conservatives and furthermore loyal to the Minister of War, General Mena, who was then in prison under orders of Estrada, refused to obey the command of the President, and, instead, turned the guns of the garrison upon the residence of the Campo de Marte, where General Estrada was living, demanding that he resign and deposit the power in the Conservative Vice-President Adolfo Díaz, who was there at the time. General Estrada having no other recourse complied then and there at 2:00 a. m., on the 9th of May [1911].

The next to openly violate the agreements was General Mena. Agreement No. 1, clause 3, provides that the Constituent [Constitutional] Assembly will convoke the people for the election of a constitutional president corresponding to the period following the present one. As the Department is already aware the members of the National Constituent Assembly stampeded that body on October 7th and carried the election of General Mena.[2] General Mena violated the agreements by not immediately declining to accept, as he had promised me he would do were they to elect him. Furthermore, it might be supposed that he could perhaps have prevented that election, notwithstanding the promise that the deputies held out for his election as the sine qua non for the approval of the loan contracts. He was warned by the Legation of the inadvisability of the step, and also forewarned of the possible consequences.

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[1] For. Rel. 1911, p. 660.

[2] For. Rel. 1911, p. 668.

President Díaz might also be considered as having violated the agreements as he neither opposed the election of General Mena—on the contrary he favored it[1]—nor has he taken the attitude, at any time, that the National Constituent Assembly should convoke the people for a popular election. It must be said, however, that President Díaz was hardly in a position to do so. As a matter of policy, all things being considered with a view to the success of the American program, he was practically under the necessity of accepting the course pursued.

Fernando Solórzano, not being a signer of the first three agreements, and supposedly ignorant of their existence, acted in apparent good faith in accepting his election as Vice President. According to the terms of Agreement No. 4 the signers should designate at their opportunity and by a majority a candidate for Constitutional President of the Republic and another for Vice President, corresponding to the period following the presidency pro tempore of General Estrada, obliging themselves to take into consideration that the one chosen must represent the revolution and the Conservative party. The majority was composed of Luis Mena, Adolfo Díaz, and Fernando Solórzano, and the candidates designated were Mena and Solórzano.

There remains only to be considered the attitude of General Emiliano Chamorro. He alone of the signers of the first three agreements has not actually violated to some extent their specific pledges. He did, however, depart from the spirit of the Agreement [No. 1] in not supporting General Estrada during his term as President. The Department will remember that the first National Constituent Assembly, which was under Chamorro's complete control, drew up a Constitution which should have effectively emasculated the Executive power and would have created an oligarchy with the Chamorro family and followers as the predominant element. This Assembly was dissolved on April 5th,[2] and the Constitution adopted by it rendered null and void. General Chamorro, however, alone of the signers of the first three agreements can be said to have rigorously observed the specific pledges therein contained. The Constitution drawn up by the first Assembly tended to the abolition of monopolies, guaranteed the legitimate rights of foreigners, provided for the Mixed Claims Commission, the loan, and would have convoked the people for the election of a Constitutional President for the term beginning January 1, 1913.

I have [etc.]

F. M. GUNTHER.

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[1] For. Rel. 1911, p. 657.

[2] For. Rel. 1911, p. 669.

File No. 817.00/1763.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 166.]

AMERICAN LEGATION,
Managua, January 8, 1912.

SIR: I have the honor to inform the Department that in a recent conversation with President Díaz he stated that under certain circumstances he would be willing to run for the next presidency in the event of free elections. President Díaz said that if he felt sure that he might be free to govern according to a democratic constitution, in surroundings of law and order, and with the full support and recognition of the United States, he would receive his election with pleasure.

I have seen a number of letters from prominent Liberals in and out of Nicaragua offering President Díaz the support of their party should there be free elections, and from personal observations I have concluded that he would be far more acceptable to the Liberals as a candidate than either Mena or Chamorro, the only other formidable popular candidates. I am further of the impression that he would be more acceptable to the Conservatives as a body than either Mena or Chamorro, owing to the deep-rooted jealousy, amounting almost to a deadly feud, between the followers of these two Conservative leaders. * * *

I have [etc.]

F. M. GUNTHER.

File No. 817.00/1759.

The American Minister to Salvador to the Secretary of State.

AMERICAN LEGATION,
San Salvador, January 12, 1912.

SIR: Referring to the telegram addressed to the Department by Chargé Gunther, dated Managua, January 4, which he repeated to me on the 6th instant under instruction of the Department, with its request that I carefully investigate and report, transmitting the documents mentioned in that telegram, consisting of some intercepted correspondence which, [according to what] the President of Salvador telegraphed to President Díaz of Nicaragua, clearly established Estrada Cabrera's complicity in the support of a movement against Nicaragua, with the assistance of Doctor José Dolores Gámez in Costa Rica through General Nicasio Vásquez, who comes and goes at the Presidential Mansion at will, etc., I have the honor to transmit, herewith, a copy and translation of the correspondence in question.[1]

During an informal call which I made upon President Araujo on Sunday, the 7th instant, he stated to me that he was in possession of copies of some intercepted correspondence of the character before described; and after he had explained to me the manner in which he had obtained them I asked if he had any objection to allow me to make copies of the same. He replied that he had no objection whatsoever, whereupon I brought them to the Legation and caused them to be copied and translated, notwithstanding the fact that after reading them I failed to see in what manner they implicated Estrada Cabrera. The papers consist only of a cipher key, a letter relative to projects of a revolutionary character against Nicaragua, written by Doctor José Dolores Gámez to President Estrada Cabrera, and several other letters written by Doctor Gámez and Mrs. M. Antonia Zaldívar. Of these documents, only the cipher key and the first letter written by Doctor Gámez appear to refer to revolutionary plans against Nicaragua.

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[1] Not printed.

I think that the Department will agree with me in that these letters do not attach to Estrada Cabrera any complicity in a movement against Nicaragua; and when I asked Doctor Castro Ramírez, the Minister for Foreign Affairs, if either he or President Araujo had any other documents bearing on this matter, he replied that they had no other documents bearing thereon. It is therefore upon these papers alone that President Araujo based his telegram to President Díaz of Nicaragua, saying that he was in possession of data showing that Estrada Cabrera is supporting a movement against Nicaragua, etc., as telegraphed to the Department by Chargé Gunther.

I have [etc.]

WILLIAM HEIMKE.

NOTE.—On January 12, 1912, the new Constitution was proclaimed. This subject is treated separately; see ante, pp. 993–1011.

File No. 817.00/1758.

The Secretary of State to the American Minister.

No. 4.]

DEPARTMENT OF STATE,
Washington, January 25, 1912.

SIR: I enclose herewith for your information a copy of a letter in regard to political conditions in Nicaragua, which General Emiliano Chamorro has addressed to the Department.

I am [etc.]

P. C. KNOX.

[Inclosure 1—Translation.]

General Emiliano Chamorro to the Secretary of State.

GRANADA, NICARAGUA, *December 11, 1911.*

EXCELLENCY: On account of the interest that the Government of which your excellency is a member has displayed toward Nicaragua and on account of the part I have taken in the events which have taken place here since October 11, 1909, I base my hope that my name may perhaps not be entirely unknown to your excellency.

With that hope for my only ground, I venture to bespeak your excellency's attention to the points presented in this letter, of a confidential nature, which is intended to lay before you the anomalous condition in which this country, for whose fate the Government of the United States has shown so much concern, is placed.

This being the first time I have had the honor to address your excellency, I beg your leave, before launching into the main object of this letter, to say that even before the opening of the Washington conference and therefore long before the revolutionary movement of October 1909 in which I, as leader of the Conservative party, joined until it brought about the overthrow of the Liberal régime which your excellency most appropriately called "a blot on the history of Nicaragua"—long before these events, I say, there prevailed in the elements of the Conservative party, here and among the emigrados, a current of sympathy toward the American Government and people, born of the conviction that through them the reign of law and justice could be restored in this Republic.

This conviction assumed with the Nicaraguans the character of uncontrovertible truth when your excellency, pointing out the causes of the revolution, said in the memorable note[1] addressed to Señor Rodríguez Mayorga, Chargé d'Affaires of Nicaragua in the United States, that your excellency's Government was convinced that the revolution represented the ideals and will of the Nicaraguan people more faithfully than the Government represented by Señor Rodríguez; that it was a well-known fact that under the Zelaya régime republican institutions existed in name only; that public opinion and the press were throttled; that imprisonment was the reward of patriotism; and that it refrained from discussing the details of a régime which, unfortunately, has been a blot upon the history of Nicaragua.

The foregoing sentences in your excellency's note summarized the grievances that compelled us on more than one occasion to adopt the painful recourse to arms, and justified the attitude of the Nicaraguan people, naturally peaceful and law-abiding; subsequently they have been the criterion of a policy on which the coveted reconstruction of Nicaragua is to be founded, at the cost of so many sacrifices, and especially securing to the Government of the United States the right it then reserved to itself in accordance with the aforesaid memorable note, to consider at the proper time the expediency of also stipulating that the Constitutional Government of Nicaragua should bind itself by a treaty to the advantage of all the Governments that might be concerned and as a guaranty of its faithful future support of the Washington Conventions and its peaceful and progressive aspirations.

In consequence thereof, when the Liberalism that had done so much harm to the country was overpowered, I did not hesitate about accepting the mediation of the Hon. T. C. Dawson, Special Commissioner of the American Government, for the signature of four conventions, which remove certain difficulties which might stand in the way of the establishment of a constitutional régime in the country, that being the condition put by your excellency's Government upon the resumption of official relations with this Government and the execution of the program which, with the powerful influence of the American Government, would give prompt effect to the necessary political reforms demanded by this country. The first three parts of the compact, the first dated October 10, 1910, the second and third dated the 29th of the same month and year, were complied with by us; the last, under date of the 30th of the same month and year, awaiting execution at the proper time.

Mr. Dawson's intervention in the negotiations culminating in the said compact was regarded by us as one of the means your excellency's Government had reserved to itself for achieving the end it sought in the political and economic reform, and we always looked upon it as a pledge that the compact would be carried out under the guaranty of the Government he represented.

Your excellency can not be unaware of the events that have since taken place in Nicaragua, in view of which I decided to leave the country with the object of avoiding the use of my name as a standard of opposition to the policy consonant with the views of the American Government summarized in the Knox-Castrillo convention, in which, as above stated, we embodied the hopes of political and economic regeneration; and I did not return until recently when the loan contracts had already been approved, in the confident hope that they will be the means of giving effect to the political rights referred to in the above-cited Dawson compact, and that they would bring to a speedy end the anomalous conditions under which we live, with martial law now prevailing as under the long dictatorship of Santos Zelaya and the economic calamity which in the year that is about to end has considerably increased the national debt and profoundly disturbed the business entered into with a prospect of an early restoration of administrative order. It is true that the presence, at the eleventh hour, of Messrs. Pedro Rafael Cuadra as Minister of the Treasury and Diego Manuel Chamorro as Minister of Foreign Relations inspired some confidence among the people, but the uncertainty of their continued presence, because of the anomalous conditions above mentioned, contributes toward impairing their labor of reform.

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[1] For Rel. 1909, pp. 455–456.

In spite of the expectation of improved conditions inspired by the approval of the loan contracts, it seems to have been frustrated by the strange and unexpected election of General Mena, by the Assembly, to the office of President of the Republic for the next constitutional term, in flagrant violation of the fourth of the Dawson conventions, which stipulated the manner of designating the candidate and contained the engagement of the signers to recommend to the people the election of him who should be the choice of the majority. The election above referred to perpetuates the system of the Liberal party in the seventeen years of its rule in this country, during which no attention was ever paid to public opinion in the solution of questions of interest to the people; nor is it entitled to the excuse that it is a reward for the approval of the loan contracts; that approval was brought about by the general wish of the country and not by any one person. I may assure your excellency that the leaders of the country, the educated classes, the landholders, and even the people themselves longed for the approval of the loan contracts and their annexes to the point of distinctly influencing the Assembly to have it sanction them.

In my position as leader of the Conservative party, which necessity alone could involve in war and compel to sustain a long struggle, I am interested in removing every difficulty that may imperil the realization of the just cravings of the Nicaraguans for a fair and progressive government, that will lead them to the prosperity they covet in consonance with the views of the American Government, by returning to the country its right to elect the executive of its choice. In the impossibility of gratifying this desire lay the main cause of the opposition to Santos Zelaya, because he excluded every hope of improving conditions by a change in the personnel of the Government.

Your excellency will permit me to call attention to the fact that I am not pleading the cause of any particular candidate but upholding the conservation of a principle which stands for the carrying out of a guaranty, since the candidate has not yet been nominated, and it would not be possible to say who would be selected; and also to the fact that compliance with the [Dawson] compact would do away with all occasion for discord. Indeed the elections as they have been conducted can achieve nothing more than to convince the people that violence is the only means by which they can regain their rights; this conviction, as your excellency will readily understand, cannot be encouraged by a party enjoying the standing and antecedents of the Conservative party.

On these grounds, and peace being fully recognized by your excellency's Government to be a necessary element of progress for this country, I have not hesitated to address your excellency in the name of the Conservative party I represent, and to beseech you to exert your influence toward the full execution at the proper time of the part of the Dawson compact which bears upon the subject above discussed as the best mode of placing upon a substantial basis that public tranquillity which is the safest foundation for lasting and profitable peace.

I beg [etc.],

EMILIANO CHAMORRO.

[Inclosure 2.]

File No. 817.00/1753.

The Secretary of State to General Emiliano Chamorro.

DEPARTMENT OF STATE,
Washington, January 22, 1912.

SIR: I have your interesting letter of December 11, 1911, regarding political conditions in Nicaragua, which was received at the Department a few days ago.

As you say, the Government of the United States takes a great interest in the welfare, peace and prosperity of Nicaragua.

I am [etc.]

P. C. KNOX.

File No. 817.00/1761.

The Secretary of State to the American Minister.[1]

No. 8.]

DEPARTMENT OF STATE,
Washington, January 31, 1912.

SIR: For your information and with reference to Mr. Gunther's telegram of January 4th to the Department, you are advised that Consul Lee, in whose custody the Legation at San José now is, reported under date of January 16th that he could not, after careful investigation, verify the rumor that Gámez was lending assistance to any movement against Nicaragua, or that he was in constant communication with General Vásquez. He added that in San José there was no evidence of the existence of any activity against Nicaragua.

I am [etc.]

P. C. KNOX.

File No. 817.00/1773.

The American Minister to the Secretary of State.

No. 24.]

AMERICAN LEGATION,
Managua, April 19, 1912.

SIR: I have the honor to transmit herewith a copy and translation of a communication, dated the 16th instant, sent to me by Don Diego Manuel Chamorro, the Minister for Foreign Affairs, regarding the so-called Dawson agreements.

Shortly after receiving my reply yesterday Señor Chamorro, accompanied by Dr. J. A. Urtecho, the Undersecretary of the Foreign Office, who is a close personal and political friend, called at the Legation and said that he wished to discuss the matter with me more at length, and that although my note was very courteous and very good of its kind I had failed to express therein any opinion on the question which he had raised and which is now agitating all Nicaragua, namely free elections.

I told him that my reply was not intended at all to be perfunctory but rather to give a concise statement of my views concerning the Nicaragua situation, to-wit that politics be kept in the background until the economic situation shall have been cleared and the country established on a sound financial basis.

He replied by giving the facts of various political intrigues, the relations between President Díaz and General Mena, and the attitude of General Emiliano Chamorro.

I thanked him for the information volunteered so frankly and added that I felt obliged to continue the policy announced by the Legation at the time I took charge, that is, to devote all my attention for the present to matters connected with the proper working out of the loan arrangement, and with that idea in mind it seemed to me inadvisable to complicate the situation by the injection of politics or personalities, for although conditions are unsatisfactory they are conceded to be far better than under the Zelaya régime, they have already reflected the beneficient results of the recent currency legislation and they give every promise of still greater improvement when the National Bank shall have been established and the new Nicaraguan money put in circulation.

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[1] The same to the American Ministers to Salvador and Guatemala.

I have [etc.]

GEORGE T. WEITZEL.

[Inclosure 1.]

The Minister for Foreign Affairs to the American Minister.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Managua, April 16, 1912.

MR. MINISTER: On October 27, 1910, at the close of the revoluton which was set on foot against the tyrannical Government established by the Liberal party of Nicaragua, the principal leaders in command who carried to a successful conclusion that movement of political, social and economic regeneration, celebrated and signed, at the instance of the Honorable Thomas C. Dawson, Special Commissioner of the North American Government near the Government of Nicaragua, and moved by a highly patriotic sentiment, four Conventions known by the name of Dawson Agreements and attested by the signatures of the Honorable Thomas C. Dawson and of Mr. Thomas P. Moffat, Consul of the United States in this country, which said Agreements were the subject of a note dated November 10,[1] 1910, from this Ministry addressed by my distinguished predecessor, Don Tomás Martínez, to the Special Commissioner, Thomas C. Dawson.

The first of said Agreements stipulates the convocation of a Constituent Assembly which, in conformity with the said agreements, assembled in December, 1911 [1910], and elected as President and Vice President General Juan J. Estrada and Adolfo Díaz respectively. According to Article 3 of the above-mentioned document, the signers solemnly obligated themselves in the presence of the representatives of the United States to convoke the Nicaraguan people for the election of the Constitutional President for the period following that previously mentioned, this being the political basis agreed upon and accepted by the leaders of the Government for the reorganization of the Republic.

By the Second Agreement it was agreed that all unsettled claims proceeding from the annulment of contracts and concessions associated with the previous régime of Nicaragua, would be submitted to the impartial examination of a Mixed Commission, appointed by the Government of this Republic in accord with that of the United States. In the same way the obligation was imposed to prosecute and punish those responsible for the death of the Americans, Cannon and Groce, and, concerning the indemnity that must be paid to the families of both victims, to await the result of these proceedings.

By the Third Agreement, the Government of Nicaragua obligated itself to solicit the good offices of the American Government for the rehabilitation of the public finances and the payment of legitimate claims, foreign as well as national, by means of the negotiation of a loan in the United States, which would be guaranteed by a certain per centage of the customs receipts of the Republic.

By the Fourth and last Agreement, the obligation was fixed to designate at their opportunity and by a majority of votes of the signers a candidate for Constitutional President of the Republic and another for Vice-President, corresponding to the period following the Presidency pro tempore of General Juan J. Estrada, the chosen one being obliged to represent the revolution and the Conservative party, and the subscribers promising that, in addition to the established laws guaranteeing a free election, there would be no concentration of armed forces of the Government in any part of the Republic other than shall be necessary for the preservation of order and proper policing, and there will be absolute exclusion of the Zelayista element in the new formation of the Government.

Permit me, in addition, to mention that in January of the current year, shortly after the promulgation of the present Constitution, the then Chargé of your Legation, the Honorable Franklin Mott Gunther, communicated to this Ministry the cablegram from his excellency, the Secretary of State of the

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[1] Should be November 5; see For. Rel. 1911, p. 625.

United States, in which the binding character of these Agreements was confirmed in an unequivocal manner, and the Chargé instructed to give official notification of this resolution to the personnel of the Executive Power.

After having religiously observed the provisions of the several Agreements which I have mentioned at length to you, namely the convocation of the National Constituent Assembly, the creation of the Mixed Commission, the negotiation of an American loan; and the Government of Nicaragua being animated by the firm purpose of fulfilling faithfully and honorably its international obligations, and also by the natural desire to put into practice the solemn promises which the revolution made to the country, the execution of which promises is considered to be the means most appropriate to assure in an efficient manner the peace, the domestic tranquility and the administrative progress of the Republic—my Government believes that, on account of the approaching end of the provisional period of which the First Agreement speaks, and the necessity of calling an election some months before the date thereof, the time indicated in the Fourth Agreement has arrived for proceeding to the designation of candidates for President and Vice-President during the next Constitutional period, thus conforming to the bases fixed in the Dawson Agreements, to the intention of those who signed them, and to the good faith and authority of the Honorable Thomas C. Dawson and of the Consul of the United States of America, Thomas P. Moffat.

In bringing the above to the knowledge of your excellency I am obeying the instructions of the President, and I have [etc.],

Diego M. Chamorro.

[Inclosure 2.]

The American Minister to the Minister for Foreign Affairs.

American Legation,
Managua, April 18, 1912.

Dear Mr. Minister: In acknowledging the receipt of your courteous note of the 16th instant in which at the direction of His Excellency, the President of Nicaragua, you refer to the Dawson agreements, I beg to assure you of my appreciation of the importance of your communication, and its significance for both Nicaragua and the United States. Accordingly I am forwarding it by the first mail to the Department, and I shall be glad to apprise you promptly of the reply.

I notice that your excellency has given first importance, as do the agreements themselves, to the settlement of the economic situation before discussing the political conditions. This is all the more gratifying to me because it accords with the view of my Government that the loan, currency and bank problems, about which there is no difference of opinion among those who are honestly working for the welfare of Nicaragua, should be disposed of before attention is directed to other questions.

This view held by your Government and by mine, and by those interested in making the above-mentioned agreements, seems amply justified by the beneficent results already attained, and therefore it is to be hoped that the present program will be continued until it is completed by the establishment of the proposed national bank, the issue of the new money, and the placing of the country on a sound financial basis.

With assurances [etc.],

George T. Weitzel.

File No. 817.00/1775.

The American Minister to the Secretary of State.

No. 28.]

American Legation,
Managua, May 2, 1912.

Sir: I have the honor to transmit herewith copies of correspondence exchanged with the Consul at Bluefields with reference to the political conditions on the Atlantic Coast.

On receipt of Mr. Clare's letter of March 4, reporting that there was great dissatisfaction and talk of a separation movement, I called his attention by telegram to the Secretary of State's speech in Managua[1] regarding a closer union between the Atlantic and interior portions of the country.

From information which had already come to me through the Collector General of Customs I had reason to believe that the dissatisfied elements were endeavoring to sound out the Consul and the Customs officer in Bluefields on the question of secession, and I therefore referred to the Secretary's statement as an indication to Mr. Clare of what should be his attitude in the matter.

In his telegram of reply[2] he stated that he would make a full report on the subject to the Department and to the Legation.

This talk of separation is nothing new as will appear by reference to the Department's instruction to Mr. Northcott, No. 9, of April 3, 1911,[3] (File 817.00/1547) transmitting a copy of a report of the then Consul, Mr. Lee, and the agitation, which is an inheritance of the days of the Mosquito protectorate, will probably continue until new means of communication are opened between Bluefields and Managua (as proposed under the loan arrangement with Messrs. Brown Brothers and Seligman) and the interests of the two sections, which at present have little in common because of the difference in population and pursuits, are brought more into harmony.

The immediate point of controversy now being waged is a financial one, but the central Government is unable to furnish prompt relief because the country as a whole is in a difficult situation on account of matters not having yet adjusted themselves to the new system of customs collection.

I have [etc.]

George T. Weitzel.

[Inclosure 1—Extract.]

The American Consul at Bluefields to the American Minister.

No. 28.]

American Legation,
Bluefields, March 4, 1912.

Sir: I have the honor to acknowledge the receipt of the following telegram, on yesterday's date, from you:

> The Secretary of State will arrive at Corinto and Managua on March 5th, and will remain until the 7th.

On the 4th instant I sent you the following telegram:

> I should be glad to have the following laid before the Secretary of State: Constituents of Representative Hooker uphold his action relative to Article 170 of the Constitution of Nicaragua. Commercial and financial conditions are critical in the extreme. Public employees unpaid for some months. Silver, the only currency, is fast disappearing from circulation. Many representations of new enterprises are here awaiting announcement of our policy in Nicaragua. Rumors of another revolution if the state of affairs remains unchanged. Only popular elections will satisfy this Coast.

You no doubt read in the papers of Managua that all the municipal officers resigned in Bluefields rather than take the oath to obey the Constitution as far as Article 170 is concerned. The people feel that the promises made to them have not been kept.

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[1] See pp. 1117 and 1120.

[2] Not printed; it adds no new data to those given in Inclosure 1, following. (File Nos. 817.51/401 and 817.00/1771.)

[3] Not printed.

I am sorry to report that feeling against Americans here at present is not as cordial as it has been. Two attempts were made last week to destroy American property by fire, but luckily they were discovered in time and no damage resulted. Whether these were direct threats against Americans or whether they show the discontent and dissatisfaction existing is a matter of conjecture.

The merchants and fruit companies seem to be waiting some definite announcement relative to the financial policy of the Government, or in other words, as they express it themselves, "We wish to know whether the Nicaraguan Government is going to get the loan, and if they do get it what they are going to do with it." This is rather a crude way of expressing it, but that is how they seem to feel about it. In the meanwhile they are not going to pay a premium to import soles. Soles a few months ago were worth 40 cents gold, today they are at 42-3/4 to 43.

I do not put much faith in this this talk about another revolution, as I fail to see where they would get the money, arms or men to start it, but at the same time it would not take a great many well-armed men to take and hold this coast against any force that could be sent from the interior with the object of recapturing it. The people know this, and the next time they strike it will mean the independence of the Coast. They will not allow themselves to be fooled another time.

I have [etc.]

ARTHUR J. CLARE.

[Inclosure 2.—Telegram.—Paraphrase.]

The American Minister to the American Consul at Bluefields.

AMERICAN LEGATION,
Managua, April 13, 1912.

Your No. 28, and telegram of March 4. The latter was shown to the Secretary of State. Since then National Assembly has approved the new monetary legislation and supplementary loan providing for sound currency and banking system which it is believed will improve economic conditions of Atlantic coast as elsewhere in Nicaragua.

Telegraph your views as to present situation in Bluefilds district and what publicity was given to the Secretary's speech encouraging the closer union between the Atlantic coast region and the interior.

WEITZEL.

File No. 817.00/1773.

The Acting Secretary of State to the American Minister.

No. 23.]

DEPARTMENT OF STATE,
Washington, May 14, 1912.

SIR: The Department has received your No. 24, of the 19th ultimo, transmitting a copy of a note in which the Minister for Foreign Affairs urges that the time has come for convoking the people previously to the elections of President and Vice President as provided for in the fourth and last of the so-called Dawson agreements. You also enclose a copy of your reply to the note mentioned, and communicate to the Department the substance of your interview on April 18 with the Minister, in relation to the same matter.

Your action in stating to Señor Chamorro that it is your Legation's policy to devote its attention primarily to the economic situation, leaving political questions to be considered when the country shall have been established on a sound financial basis, is approved by the Department.

I am [etc.]

HUNTINGTON WILSON.

File No. 817.00/1786.

The American Minister to the Secretary of State.

No. 50.] AMERICAN LEGATION,
Managua, June 20, 1912.

SIR: I have the honor to report that on the 5th instant the National Constituent Assembly chose General Luis Correa to be its Speaker by a vote of 14 to 13 against Fernando Guzmán, and it also elected General Correa and Don Marcos Mairena to be, respectively, First and Second Designados to the Presidency, to which latter office they will succeed in the order named, if and when there is a vacancy.

General Correa, who is an admirer of Emiliano Chamorro and not unfriendly to General Mena, was elected by a combination of the Díaz and Chamorro votes over the Mena candidate, the name of the latter being withdrawn when it was seen that he would be defeated.

The anti-Mena factions now claim that they control the Assembly on some questions but this is very doubtful, especially as under the practice observed here each seat in the Assembly may be filled by either the regular incumbent or by the alternate in his absence thus permitting a practically new alignment at every session in which there is a close contest.

The result reached in the present case is due probably to the greater personal popularity of Correa over Guzmán.

In this connection I have to report that on May 30 I was informed that the Minister of War, who is said to control the Army and the National Assembly, would within several days of that time have Guzmán elected First Designado and thereafter attempt a coup d'état by deposing Díaz and substituting Guzmán as President. If the plan succeeded, Guzmán would give way to his chief, but if it failed on account of opposition by the United States or for other reason then Mena would disclaim all responsibility. It was said that he had assured his followers that the American program in Nicaragua had been repudiated by the Senate and by the people of the United States, and that therefore the subversive movement might safely be attempted.

Although coming to me from a reliable source I did not attach enough importance to the information to telegraph it to the Department. I considered it as an effort to ascertain whether the United States would recognize the new government as fait accompli, or on the other hand would lend active support to the present administration in the suppression of the movement.

The Legation not being willing to anticipate any such act of bad faith declined to express any opinion in advance as to what course it would adopt in the event that the plan was attempted, other than to say that it would know how to deal with the matter when the occasion arose. It has seemed best from the start to refuse to make any commitments on Nicaraguan politics, and to confine efforts to an adjustment of the numerous and difficult financial and economic problems with the hope of thereby being able to insure the continuance of peace and order, such as they are.

The situation then, as now, seemed to be quiet and not to justify any serious apprehension, and I was, and am, inclined to believe that the moral influence in favor of constituted authority exerted by the

United States, which has heretofore since my arrival been the strongest if not the sole factor in the preservation of peace and order, will continue to be effective to that end for the present.

In order not to give an erroneous impression I ought to add that the conditions are far from satisfactory. There is little or no police protection, the administration of justice is extremely lax, there is no punishment of any criminal offender who has the slightest political influence of the right kind, houses are searched and individuals arrested without warrant, and there is almost as much military activity as if the country were preparing for war.

This situation is due to divided responsibility and confusion which result from the opposing aims of the President and his Minister of War, but the conditions, bad as they may be, are a decided improvement as contrasted with those under the Zelaya régime and give promise of something better in the future. I think therefore that it is the wiser course for President Díaz to refrain from reorganizing his Cabinet until after the financial situation is improved, and at least until he can pay the back salaries of the public employees, many of whom are in direct want and therefore not over-enthusiastic in their support of the Government. It is also desirable, other things being equal, to postpone the settlement of the presidential succession, if the settlement is to be definite and effective, until only a comparatively short time will intervene between that event and the beginning of the term of the successful aspirant to the presidency.

I have [etc.]

GEORGE T. WEITZEL.

File No. 817.00/1784.

The Secretary of State to the Attorney General.

DEPARTMENT OF STATE,
Washington, July 24, 1912.

SIR: The American Legation at Managua has been informed that General Luis Mena, Secretary of War in the Cabinet of President Díaz of Nicaragua, has recently, without the knowledge of the President of that country, placed an order for the account of the Government of Nicaragua with Park Benzinger and Company of New York for two gasoline launches, each armed with six Colt machine guns and equipped with a large amount of provisions. It is reported that this order refers to the launches *Zorayda* and *Kasagi*, to be purchased from the Jennings Yacht Brokerage Company, and amounts in all to $30,000.

As this may be preparatory to a revolutionary movement against the present Government of Nicaragua, and in order that the Legation may be advised as to the truth of this report, I have the honor to request that the result of such investigation as you may deem expedient to conduct in this connection be communicated to this Department at your early convenience.

I have [etc.]

P. C. KNOX.

File No. 817.00/2166.

The American Minister to the Secretary of State.

No. 68.]

AMERICAN LEGATION,
Managua, July 31, 1912.

SIR: I have the honor to inform the Department of the details of the coup d'état attempted by the Nicaraguan Minister of War, General Luis Mena, on July 29, 1912, as heretofore briefly reported in my two telegrams of that date.[1]

It has been common talk on the streets for the last several weeks that a revolutionist movement was impending, and such of the local newspapers as are controlled by the Mena and Zelaya element have openly encouraged the Minister of War in his treasonable aspirations and have urged on him the ease of ousting from office the constitutional President of the Republic. Mena's advisers, among whom are certain influential European subjects, believed that he, being in control of both the military and legislative departments of the Government, would be able to seize the presidency with the aid of the army, and give his title some color of legality by act of the subservient National Assembly.

In furtherance of this idea he had dictated the appointment in each district of a jefe político who would carry out his commands, and had ordered the gradual removal of all the munitions of war to Granada to the arsenal of San Francisco, a large commanding edifice, formerly an old Spanish church and school, now changed into a strong fortress under the comand of Col. Daniel Mena.

During all this time he was exerting his efforts in every way, such as by conniving at violations of the internal revenue laws, by deflecting the money intended for salaries of public employes into expenditures for the military establishment, and by certain abuses on the Atlantic coast, to embarrass and discredit the administration and to arouse public sentiment. Under his orders private houses were forcibly entered without warrant on the pretext of searching for arms, and enemies were illegally imprisoned, soldiers recruited, munitions purchased abroad without knowledge of the Government, and a feeling of general unrest created. The only obstacle that remained in the path of his success was the fortress of the Campo de Marte and La Loma in Managua where, notwithstanding frequent changes in the personnel of the troops and of the officers, among whom was a brother of Mena, the majority of the forces continued to be loyal to the Government.

A few days ago President Díaz received positive information that General Mena was bringing 150 recruits from his home town of Nandaime to garrison Managua. When these men reached the capital on July 29 the President hurriedly called a consultation of his friends and advisers for the purpose of adopting means to oppose the attempt to overthrow the Government. It was agreed to take only defensive measures so as not to give any pretext for an open conflict. Therefore, the President decided that instead of removing his Minister of War he would merely curtail the authority of that office.

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[1] Not printed.

In accordance with this arrangement President Díaz addressed to General Mena a note, the translation of which is as follows:

> The Chief Executive in compliance with the duty of maintaining peace has resolved to take direct command of the fortresses of the Campo de Marte and San Francisco, and in that capacity has despatched orders to the respective chiefs, General Bartolemé Víquez, Colonel Roberto Hurtado and Colonel Daniel Mena, not to obey any military command which does not emanate directly from the Chief Executive.
>
> For the purpose of avoiding useless bloodshed I appeal to your patriotism not to provoke a conflict.
>
> General Víquez and Colonel Hurtado have replied informing me that they and all their officers will render obedience.

President Díaz also sent the following note to General Víquez, the comandante de armas who is the officer directly in command of the Campo de Marte:

> Public tranquility being menaced, the Chief Executive heedful of its conservation has resolved to raise extraordinary forces, which you will please muster in immediately.
>
> The Chief Executive has also resolved to place the army of the Republic under the immediate command of General Emiliano Chamorro, appointing him General-in-Chief of the armies of the Republic.
>
> In accordance therewith please render him due obedience, recognizing him as such and so instructing all your subordinates.

At about three o'clock in the afternoon, which is the usual hour for the relief of the guard, General Mena sent 60 of his Nandaime soldiers to take possession of La Loma, a high fortified hill to the south of the Campo de Marte. The Government forces, consisting of about 35 men under Colonel Hurtado, refused to permit the newcomers to enter, and when the latter persisted in advancing on the fortress after being warned not to do so, fire was opened on them with machine guns until they broke and fled to the Mansión in the Campo where Mena has had his residence.

General Chamorro, who was on his way in a carriage to the Campo, heard the firing on the Loma and hastened to the comandante's barracks, known as Las Limas, in the northeast corner of the Campo, and presenting his credentials to General Víquez took immediate command of the Government forces. Then informing Mena over the telephone of his compliance with the President's orders, he expressed the hope that bloodshed might be avoided. Mena asked for a personal conference at the Mansión. Chamorro replied that he would be glad to see him at Las Limas.

The Nandaime soldiers, who had not yet recovered from their confusion, were sent by Mena's orders to the barracks in the northwest corner of the Campo, known as the Guardia de Honor, the headquarters for the uniformed guards who are always assembled at the official functions given by the President. Mena himself fled through a secret passageway constructed during Zelaya's occupancy of the house, and escaped to the same barracks. Quickly collecting rifles and three machine guns, he directed from the tower an attack on the Government forces at Las Limas.

At about 4.30 p. m. President Díaz drove to the Legation, followed by Dr. Carlos Cuadra Pasos, member of the Nicaraguan Claims Commission. The former stated to me that after a short conflict the Government forces had successfully resisted the attack, and that it was only a question of time when Mena and his men would either be captured or annihilated. The President seemed anxious to avoid unnecessary bloodshed and asked me if I would consent to get into communication with General Mena and try to stop the conflict by arranging a peaceful settlement. I inquired the terms, and he said the resignation of General Mena as Minister of War, the appointment of a civilian successor, and amnesty to the participants in the uprising. It was suggested that I telephone to Mena from the Legation, but believing that a personal interview would be more effective I decided to call at his headquarters.

A heavy rain was falling and it was difficult to see any great distance ahead, so when I reached the corner of the street in front of the Campo de Marte I waited for a few minutes in the hope that the combatants would cease firing to let me cross in safety. It occurred to me to turn back, but I felt sure that in case of Mena's death his son Daniel, an irresponsible negroid Indian, would make reprisals in Granada where he had control of the Government's military supplies.

During a lull in the firing I crossed the street and entered Mena's barracks. There were about 150 men with rifles standing inside. As I walked through the gate Mena came forward to greet me. He was considerably excited and much more talkative than usual. I inquired the reason for the disturbance, and he stated that he had been badly treated by the Government and produced President Díaz's letter, which I glanced over rapidly. He continued to complain that he was abused and had a right to feel resentful. I replied that I did not know the details or the merits of the difficulty, and of course could not discuss them; that my only interest was to try to bring about peace in the quickest and most practical way. After some talk of this kind he asked me what I proposed. I answered that I had nothing to propose but that President Díaz desired to propose through me that he, Mena, resign as Minister of War, deliver up his forces to a civilian, and in return be guaranteed his personal safety and that of his followers. He hesitated and then said that such a course on his part would be very humiliating. I replied that the terms were not mine but the President's, and that if he did not wish to accede to them my mission was at an end and I would return to the Legation. He then stated that he would accept the arrangement as he realized that his life was in danger. He thanked me for having come to him and asked what protection I could offer. I said I could give him no physical protection because I had none even for myself, not having brought so much as a revolver with me, but that I was willing to assure him as American Minister that I would use every effort to secure the pledge of General Chamorro not to fire, or take the offensive or in any way whatsoever endanger his safety, and that if such pledge were given I felt sure it would be observed, and I added that of course he must likewise pledge himself to abstain from firing a single shot or taking any offensive step whatsoever. He said, "My word of honor on it and you may rely on me implicitly. Please arrange also for the safety of my wife and notify her friends." I told him I thought his action in yielding was very praiseworthy. He replied that nevertheless his position was humiliating. I tried to pass the matter over lightly and offered to take his letter of resignation to the President. He hesitated and said, "Can't you take my word of honor?" I answered, "Yes, of course, but it will be better to put the matter in writing as I am only an intermediary." He stated that it would be embarrassing to do so without knowing whether Chamorro would abide by the arrangement. I assured him that unless Chamorro would give me something in writing indicative of his willingness to turn over the command to the person designated by the President, I would bring back the letter of resignation. General Mena then called for pen and paper, and labored with them for a few minutes. He did not seem satisfied with his first attempt but the second was more successful and he thereupon delivered to me his written resignation, a copy and translation of which are enclosed herewith.[1]

After leaving the Guardia de Honor I walked down the line to the other barracks where the Government had about 600 armed men. I was shown to General Chamorro's office and at once acquainted him with the purpose of my visit, the result of my interview with Mena and the arrangement by which both of them should retire in favor of a civilian. At first he demurred and insisted that he would not give up his command except on orders from the President. I explained to him that nothing else was requested or expected of him. He then wrote a letter, copy and translation enclosed,[1] addressed to the President, reporting that he had taken command of the forces as instructed and that he was ready to deliver them to the person designated by the Chief Executive.

Returning to the Legation I delivered the two letters to President Díaz who thanked me and stated that he would at once name Dr. Camilo Barberena, a prominent lawyer and civilian, as the new Minister of War. I telephoned this information to Mena, and he expressed himself as thoroughly satisfied with the appointment, adding that Dr. Barberena was friendly to all elements and would be in himself a guaranty that the rights of everybody would be respected. General Mena then asked me to send word to Dr. Graham to bring Mrs. Mena away from the Mansión in the Campo de Marte. Up to this time I thought she was in his private house in the city, and I had no idea she had been left by him in such a dangerous position. While we were talking he suddenly interrupted me for a few seconds and then resumed the conversation by saying that Dr. Graham had just entered his headquarters and wished to speak to me. This surprised me a bit as I did not know the gentleman even by sight, but of course I consented to hear what he had to say. At first Dr. Graham spoke in Spanish in order perhaps that Mena might understand the conversation. He said that General Mena wished to ask a great favor of me and would feel very grateful if I would conduct his wife to a place of safety. I replied that I would be glad to do so, but I inquired why he as a close friend of the family could not attend to the matter. He answered that it would be dangerous. I told him that there was no risk as I had already gone once to the Campo and that I intended to return there with Dr. Barberena to be present when he accepted the delivery of the forces. However, to avoid delay I said I would arrange to have Mrs. Mena safely escorted to the Hotel Lupone or to any other place he might designate. With this understanding I called up General Chamorro by telephone and urged on him the extreme importance of sending one or two thoroughly reliable staff officers to take Mrs. Mena to a place of safety. General Chamorro of course consented and the lady was accordingly brought to the house of her friends.

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[1] Not printed.

Having ended this affair, I sent a messenger for Don Miguel Cárdenas, the Minister of Government, whose countersignature was necessary to validate the decree appointing the new Minister of War. After this formality was complied with I learned for the first time that Dr. Barberana was in Granada, and I at once despatched a note requesting him to come to the capital without delay. In order however not to lose further time in taking over Mena's forces it was decided to appoint a subsecretary to accept the delivery.

While this matter was being discussed, Mr. Peña, the manager of the electric light company, which is an American corporation, called at the Legation to ask my advice about a letter he had just received from the Chief of Police ordering the lights to be turned off that night at seven o'clock. I told Mr. Peña that his plant should be kept going by all means. I also addressed letters to the Chief of Police and to the Jefe Político of Managua, both friends of Mena, informing them that the latter had assured me of his desire to make a satisfactory settlement of the difficulty, and requesting them to cooperate in preventing disturbances during the night. The Jefe Político sent me a reply which at the time I thought was written in good faith.

It was already dark when I was called to the telephone by General Chamorro who informed me that his troops down in the city were being menaced by the police under Noguera, Mena's control, and that there was great danger of a conflict between the two forces. I advised him to observe the strict letter of the agreement not to make any offensive move, and that the police had the right in the first instance to continue to patrol the streets for the protection of property. General Chamorro consented to order his troops to the barracks even though he would thereby be putting himself at a great disadvantage in case the peace arrangement fell through.

President Díaz and Dr. Cuadra Pasos, who had been discussing the appointment of the subsecretary, decided to name Dr. J. A. Urtecho, and messengers were sent out to find him, but he had gone to Rivas; so Benjamín Cuadra was finally designated. It being now after seven o'clock I invited the President and Dr. Cuadra Pasos to take dinner at the Legation, so as not to delay matters after the new appointee should have arrived. While we were at table the electric lights suddenly went out, and in about half an hour I was again called to the telephone by General Chamorro who informed me that Mena had just left the city under cover of darkness taking the police with him. When I repeated this news to the President he seemed much disappointed at Mena's action in breaking his pledge but he said there was some consolation that Mena would at least exercise a restraining influence over his son Daniel who was very much feared in Granada.

At my request the acting Minister of Fomento, Señor Pallais, came to the Legation and arranged for the immediate organization of a provisional police force, with the understanding that if enough civilians could not be promptly had for the purpose General Chamorro would select a few of his soldiers to fill out. As a result the streets were better policed than usual, but the firing by the troops continued in desultory manner throughout the night and the city, while outwardly calm, was secretly apprehensive of what might happen in the morning.

I have [etc.]

George T. Weitzel.

File No. 817.00/1822.

The Secretary of State to the President.

Department of State,
Washington, August 5, 1912.

Dear Mr. President: From advices that have reached this Department it appears that one day last week President Adolfo Díaz of Nicaragua demanded the resignation of General Luis Mena, his Secretary of War, whereupon Mena, accompanied by his brother, the Chief of Police of Managua, the entire police force and a number of followers cut the electric light wires in Managua and left in the direction of Masaya, since which time he has openly defied the constituted authorities and is now leading an open rebellion against the Government.

Minister Weitzel now reports from Managua that the American corporation owning the railway which runs from Corinto to Granada and certain steamships on the inland waters of Nicaragua has complained to the Legation that Mena and his followers have seized its property and have used certain of the vessels of the company in bombarding the unfortified town of San Jorge. Minister Weitzel thereupon addressed a communication to the Government of Nicaragua requesting that it give satisfactory assurances that it was willing and able to afford adequate protection to all private property of American citizens in Nicaragua. To this communication the Government of Nicaragua replied to the effect that it was employing every available means to give such protection but that it regretted that, because of the necessity of using forces to put down armed disorders, it was unable for the present to comply with the Legation's request. The note of the Foreign Office closed by saying that,

> in consequence, my Government desires that the Government of the United States guarantee with its forces security for the property of American citizens in Nicaragua and that it extend its protection to all the inhabitants of the Republic.

Minister Weitzel then addressed a communication to the Commanding Officer of the U. S. S. *Annapolis* requesting him to take such measures as might be necessary to protect the railroad and to afford security to American citizens and their property.

Minister Weitzel now reports to the Department that a detachment of one hundred men was sent from the *Annapolis* to Managua, where they arrived on August 4th at 3.30 a. m., and that they are now quartered at the Legation. He concludes by recommending the advisability of sending marines from Panama to Corinto by a Pacific Mail steamer, saying that Managua was quiet.

Under date of August 4, 8 p. m., the Minister reports to the Department that quiet continues at Managua and that the effect of the arrival of the bluejackets, according to the unanimous opinion of the Americans, in which he concurs, is thus far favorable. The Minister states that foreigners with whom he has talked are of the same opinion and that the Salvadoran Minister, in his personal capacity and in strict confidence, has informed him that this was the only move that could have prevented complete anarchy and the spread of disorder throughout Central America.

From a telegram received at the Navy Department from the Commander of the *Annapolis*, it appears that the men were sent from Corinto to the capital in order to protect the lives of American citizens reported to be in imminent danger of attack.

I learn from inquiry at the Navy Department that there are on the Isthmus of Panama three hundred and fifty marines available for this service, and in view of the specific request of the Nicaraguan Government and of the seemingly possible danger of resultant anarchy, I have the honor to request that I be authorized to ask that the Navy Department comply with Minister Weitzel's recommendation.

I have [etc.]

P. C. Knox.

Note. The President returned the foregoing letter with the following notation written by him thereon:

The authority requested herein is hereby given.

Wm. H. Taft.

August 5, 1912.

File No. 817.00/2167.

The American Minister to the Secretary of State.

No. 69.]

American Legation,
Managua, August 7, 1912.

Sir: I have the honor to enclose herewith copies of letters[1] sent to General Mena in an effort to prevent an armed conflict in Nicaragua.

Even after he had fled during the night from the capital to Masaya in violation of his pledge to deliver up his forces to the Nicaraguan Government I still continued to try to bring about a peaceful settlement of the difficulty, and with that end in view I sent a telegram on July 30, confirmed by letter, urging him not to resort to violence and intimating that he might still explain his departure from the barracks as a reasonable precaution for the protection of his men and for the avoidance of hostilities.

The same afternoon he replied by telegram in which, after trying to justify his conduct, he insinuated that President Díaz should retire in favor of the *second* designate, Marcos Mairena, passing over the first for the reason, unexpressed though none the less obvious, that Luis Correa, who was next in line of succession, was known to be friendly to the Government. Mena's reply indicated that he was being advised in the matter by others, and, knowing how susceptible he is to influence, I wrote again on July 31, suggesting another personal interview, discountenancing any disloyalty to President Díaz and impressing again on him to respond to the offer of reconciliation made by the President and General Chamorro.

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[1] Not printed.

That night the Government outpost intercepted two letters which proved conclusively that Mena was playing false and that he was already beginning to arm his allies, the Zelayistas, for the overthrow of the Government by force. In order to gain time to transport a certain number of rifles from Granada to Leon he continued his correspondence and on the 2nd of August he sent to the Legation a telegram, not completed because of the cutting of the wires, in which he said: "I am animated by the best intention to conclude happily your worthy and generous labor to reach a harmonious solution"; and he added that, although appreciating my humanitarian motives in desiring to avoid strife, his army was insisting on a change in the presidency.

The following day I sent my third communication informing him of the protest made by the American owner of the railroad against his unlawful seizure and destruction of its property, and warning him to restore such part as was still in his possession and to desist from any interference in the future. This letter was delivered by one of the Government's messengers who reported that he had been maltreated and cautioned under threat not to bring any more notes. Mena in his reply to me stated that he had referred the protest to his so-called national assembly, convoked by him in Masaya, and he enclosed a copy of a resolution of that body denying the American company's right to complain. From another resolution of the same sort it appears that on August 1 he conferred on himself the title of "General in chief of the Allied Forces", and assuming legislative powers declared that having been attacked in his office and compelled to resign as Minister of War, he therefore decreed that Adolfo Díaz be removed from the presidency and that the power be deposited in Marcos Mairena. This decree appears to have been approved by the rump assembly on August 3. The regular National Assembly in the capital at Managua adjourned on June 30 last.

I have [etc.]

George T. Weitzel.

File No. 817.00/2168.

The American Minister to the Secretary of State.

No. 70.]

American Legation,
Managua, August 9, 1912.

Sir: I have the honor to transmit herewith copies of correspondence[1] in regard to the political disturbances in Nicaragua, and the measures taken by the Legation for the protection of life and property.

Within half an hour of the outbreak and while Mena was still cornered in the barracks of the Campo de Marte, the police commanded by his brother, Noguera, arrested the director of telegraphs, seized all messages, including my telegram of July 29, 1 p. m., and took control of the wires in and out of the city. They telephoned to the railroad offices giving out false reports that the Liberals had captured the Campo de Marte, and urging that all the rolling-stock be rushed to Granada to bring in friends of the Government to defend the capital. The obvious purpose, of course, was to turn over the engines and trains to the Menistas, and one of the conspirators, Salvador Buitrago Días, a judge of the Supreme Court, did succeed in getting away with freight and passenger coaches; another, Dr. Sebastián Salinas, escaped with two locomotives but fortunately was captured and brought back, otherwise the railroad company would have been even more seriously crippled in the management of the line.

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[1] Not printed.

Two days later the Government outposts intercepted despatches which showed conclusively that Mena had agreed with Arturo Ortega and L. Ramírez to supply rifles and ammunition to the Zelayistas, and that Benjamín Zeledón and J. M. Zelaya were already on their way to Masaya with men to be armed. Zeledón is a Liberal, formerly connected with the Zelaya administration, and was recently permitted to return to Nicaragua on his promise not to take part in political agitations or engage in any subversive movement against the Government. The Menistas tried to surprise Tipitapa so as to send arms by that road to León, and about the same time, according to information received by the Government from its Chargé d'Affaires in San José, the Zelayistas in Costa Rica under Julian Irias and Rodolfo Espinosa were preparing a filibuster expedition from Puntarenas to a near-by port in Nicaragua.

These rapid preparations for hostilities, and the knowledge that Mena as Minister of War had been able to get control of the larger part of the Government's military supplies, caused great alarm in the capital, especially among those who have had some experience with the sort of warfare that is conducted in Nicaragua.

The British Consul General, Mr. H. C. Venables, called at the Legation on July 31 to request my good offices in arranging for the safety of his wife and infant child who were at Jinotepe. He said that while returning from there to Managua he was halted and questioned by Zeledón, who had already established a camp at Casa Colorada, near Masaya, and the impression made on him was such that he felt considerable anxiety for his family. I was very glad to be able to arrange to have them conducted to a place of safety at the Vaughan hacienda, near San Marcos, owned by an Englishman. The Consul General on August 3 again asked my assistance in behalf of two of his nationals, Mrs. Brown Webber and daughter, who were in Masaya.

The National Bank of Nicaragua, an American corporation, informally by its manager requested the Legation to mention confidentially to the Government that there were considerable sums of money in the vaults for which protection was sought against plain robbers as well as armed enemies. I had already arranged the night before with Señor Pallais for the organization of a provisional police force, but I nevertheless wrote to President Díaz in regard to the desirability of having an adequate guard at the bank, and received ample affirmative assurances in the matter.

Two days later the manager of the railroad, which is owned and operated by a company organized under the laws of the State of Maine, filed a protest with the Legation complaining that its locomotives and cars had been unlawfully taken by forces acting under Mena's orders; that a passenger train was obstructed at Masaya causing great distress to the passengers among whom were foreigners; and that the company's steamers on Lake Nicaragua had been seized and occupied by armed forces. These steamers were used for bombarding San Jorge and other unfortified towns along the lake.

The Legation promptly brought the protest to the attention of the Nicaraguan Government on August 3, and requested that steps be taken to afford adequate protection to the property of Americans. The Minister for Foreign Affairs replied that his Government is making every effort to extend such protection but regrets its inability to do so because of the necessity of using its forces to put down armed disorders, and he concluded by requesting that the Government of the United States land forces to guarantee the property and life of its own citizens as well as to extend its protection to all the inhabitants of the Republic.

The Mixed Claims Commission addressed to the Legation a communication reciting that whereas the Nicaraguan Government had replied to a request for protection that it was unable to afford adequate security for the commission records; and whereas there were on file more than five thousand cases involving claims of hundreds of thousands of dollars, many of the claimants being citizens of the United States and other foreign countries; and whereas the loss of these records would work irreparable injury to the innocent litigants, it was resolved by the commission to solicit the protection of the United States Government for its premises, its records and the persons of its American members.

The Legation received a similar request for protection of the customs houses, which are under the control of an American collector general.

The members of the American colony resident in Managua informally met and resolved to urge the necessity of taking prompt measures for the security of their lives and property.

That same morning information reached me of uprisings in Chinandega and León, and of further interruptions of the wire and rail service between the capital and the port. It then became necessary for me to decide without delay what practical measures to take for the safeguarding of the persons and interests committed to the care of the Legation, for if the railroad and telegraph communication from Corinto to Managua were destroyed no effective precautions would be any longer available.

The Department will observe from the enclosed letter and itinerary[1] of the U. S. S. *Annapolis* that it left Amapala on July 7 bound for the Canal Zone, and having put in at San Juan del Sur to meet the mail steamer, was intercepted by my telegram and that of the Consul at Corinto.

On August 3 I sent a telegram to the commanding officer, Captain W. J. Terhune, U. S. N., inquiring how many men he had available for a landing force, and a few hours later I sent another requesting that he disembark a guard and order it to the Legation in Managua Captain Terhune responded very promptly and landed a detachment of ninety bluejackets and five officers, Lieutenant James A. Campbell, Jr., commanding. This force arrived at the capital at 3.30 a. m. of

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[1] Not printed.

August 4 and took up quarters in the Legation, which has been temporarily enlarged by the addition of a small house adjoining on the left.

I have [etc.]

GEORGE T. WEITZEL.

File No. 817.00/1851.

The Acting Secretary of State to the American Minister.

No. 46.]

DEPARTMENT OF STATE,
Washington, August 17, 1912.

SIR: I enclose herewith for your information a copy of a despatch from the Legation at San José, in regard to the rumor that the Nicaraguan Liberals threatened to invade Nicaragua from Costa Rican territory.

I am [etc.]

ALVEY A. ADEE.

[Inclosure.]

The American Chargé d'Affaires in Costa Rica to the Secretary of State.

No. 33.]

AMERICAN LEGATION,
San José, Costa Rica, August 2, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instruction of August 1, 1912, directing me to investigate and report upon the rumor that the Nicaraguan Liberals threatened to invade Nicaragua from Costa Rican territory.

When this instruction was received, I was confined to my bed by a slight illness. I therefore requested Consul Lee to call upon the Minister of Foreign Affairs. Mr. Lee was informed by Mr. Castro that he knew of no threatened invasion by the Nicaraguan Liberals from the Costa Rican border, and considered such invasion improbable, adding that, at the request of the Nicaraguan Chargé d'Affaires, the Costa Rican Government had ordered that certain Nicaraguan emigrados be put under strict police surveillance.

I accordingly cabled the above information to the Department today.

I have [etc.]

MARSHALL LANGHORNE.

File No. 817.00/2178.

The American Minister to the Secretary of State.

No. 71.]

AMERICAN LEGATION,
Managua, August 23, 1912.

SIR: I have the honor to transmit herewith copies of correspondence[1] relative to the peace proposals, the violation of the armistice arranged by the Salvadoran Minister, and the protests against the bombardment of the city of Managua by the forces of Mena and Zeledón.

On August 6 Mena wrote to his personal and political friend, Don Miguel Cárdenas, an officer of the Díaz Cabinet, that he was desirous of arranging a peaceful termination of the troubles in Nicaragua.

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[1] Not printed.

On the same day he addressed another letter to certain members of his own Conservative party in Granada, replying to their suggestion of compromise, and proposing as the basis of settlement that Don Adolfo Díaz withdraw from the presidency and permit Mena to name the person who should succeed him for the balance of the present term and for the following four years.

Meanwhile the Minister of Salvador, Don Antonio López G., and the Chargé d'Affaires of Costa Rica, Don Francisco Cabezas G., had called at the Legation to inquire my views with reference to the advisability of offering their mediation to the contending parties. I replied that in my opinion they should first make sure of the safety of their channel of communication by getting from Mena a disavowal of the acts of his subordinates who have been accused by the Nicaraguan Government of maltreating its messengers. They accepted the suggestion and later on sent to me a note containing Mena's denial of the charges and promising fair treatment in the future. They then decided to visit him personally at Masaya and to communicate President Díaz's counterproposals to the effect that the rebels surrender all arms and that the Government grant amnesty and pay the costs of the conflict. The mediators succeeded in arranging with Mena an armistice of twenty-four hours, later increased forty-eight to expire on August 12; and they likewise entered into an agreement that for the purpose of expediting telegraphic communication between Masaya and Managua each side should send two workmen to repair the lines which had been cut. The Government promptly acceded to this arrangement and sent two employees of the telegraph office to Sabana Grande to put the lines in condition, but the Menistas stopped the work, imprisoned the men and confiscated their instruments.

While the armistice was still in force General Benjamín F. Zeledón demanded of the Government the surrender of the capital, and addressed to me as Dean of the Diplomatic Corps a note informing me of his intention to bombard the city within twelve hours. A similar note having been sent to the Consular Corps, both these bodies of foreign representatives met at the Legation for conference. When all were assembled the Salvadoran Minister expressed deep resentment against Mena for the inexcusable breach of faith, and after some discussion proposed that strong protests should be made against the threatened bombardment. He stated to me that the attacking parties had shown themselves to be beyond the pale of civilization and should be treated not as rebels but as savages who have violated all rules of warfare; and he urged on me the necessity of having sufficient United States forces to prevent complete anarchy. Señor López then prepared the protest made by the Diplomatic Corps, and I signed it, though with some hesitation as I had decided to send my own separate protest as Dean and as American Minister. The Consular officers added theirs in very emphatic terms. Another notice of bombardment having been sent to the Nicaraguan Government and to the Salvadoran Minister by General Dionisio Thomas, my colleague replied with a copy of the several protests.

Notwithstanding the vigorous objections raised by the Diplomatic and Consular Corps, the artillery attack was begun early in the morning of the 11th instant, as reported in my telegram of August 12, 7 p. m., and continued throughout the day, most of the three-inch projectiles falling in the residence portion of the city. The guns of General Dionisio Thomas also took part although the time proposed in his ultimatum had not yet expired. At night Zeledón's forces attempted to take the city by assault but were repulsed with great losses. Among the prisoners captured by the Government several stated that they had been promised four days of looting in Managua if the city were taken. The Minister for Foreign Affairs addressed to me a note requesting that more United States forces be disembarked for the protection of the life and property of the foreigners. Many Americans in the towns held by the Mena and Zelaya elements had already made complaint to the Legation of ill treatment, and in the case of Mr. Caldera, former United States Acting Consul in Managua during the Zelaya régime, who expressed some apprehension for the safety of his family, although I was not able to have them brought to the capital as requested I succeeded in sending medical relief to his wife.

The detachment of about one hundred bluejackets brought to Managua, as heretofore reported, would have been inadequate, of course, to afford protection for any length of time if the more serious fears felt by the general public had been realized. The commanding officer kept the guard within the building temporarily arranged as the Legation compound, and very little street liberty was allowed to the men. A supply of stores and water sufficient to last a month having been secured, and the Legation barricaded, the guard could have withstood an ordinary attack by street mobs, but of course would have been ineffective against any concerted assault with large guns.

The bombardment of the city continued throughout the 11th, 12th, 13th and 14th, with slight intermissions, and about 600 projectiles were fired into the residence portion of the city, according to the estimate of the Navy officers. One shell struck in the street directly in front of the Legation, and about 40 or 50 within dangerous proximity. Three fell in the Hotel Lupone where the foreigners were known to be congregated. Thousands of people fled into the country and those who remained were in dread of their lives. The Salvadoran Minister and the British Vice Consul departed for Corinto. Many families constructed places of shelter in back yards, and at the request of the British Consul General two of the bluejackets built a bombproof in his house for him and his friends. There were a hundred and thirty-two women and children killed and injured by shells and not one man. The last of the firing was heard at about 5 a. m. of August 14 and this proved to be a feint to cover the retreat, for by eight o'clock it was definitely known that the rebels had withdrawn towards Masaya, and the Government had demonstrated its ability to defend the capital under the most adverse conditions.

Two hours later Major Smedley D. Butler, U. S. M. C., arrived from Corinto with his battalion of 350 marines from the Canal Zone, and was given a warm welcome by natives and foreigners alike. He had moved his forces with remarkable rapidity and reached the capital at a most opportune time, for if he had arrived sooner he would have had difficulty perhaps in entering the city during the fighting, and on the other hand if his coming had been delayed the railroad communication would have been cut and the relief work seriously hampered for a long time.

I am [etc.]

George T. Weitzel.

File No. 817.00/2179.

The American Minister to the Secretary of State.

No. 72.]

American Legation,
Managua, August 30, 1912.

Sir: I have the honor to inform the Department of further measures taken for the protection of life and property of foreigners in the capital.

Even before the bombardment of Managua, reports had come to the Legation of the spread of lawlessness in all parts of the country, especially in Granada, Masaya, and Jinotepe, where the people, natives and foreigners, were being subjected to personal abuse and forced to pay contributions of money and merchandise. The Italian, British and Austrian consular officers received vigorous complaints from their respective nationals against the unlawful seizure of property by Mena's bands. The British Consul General called at the Legation to say that he had been instructed to ask what protection the United States proposed to afford to foreigners and their interests in Nicaragua, and what naval vessels were available for the purposes. To his inquiry as to the advisability of sending a British man-of-war to Nicaraguan waters I replied that in my opinion such action would be inopportune and unnecessary.

On August 11 the members of the Consular Corps, apparently looking to the United States to take measures for the protection of foreign interests, presented a joint note requesting me to interpose my good offices to prevent the bombardment of the city with its consequent danger to life and property. The specific plan proposed by them was impracticable. No foreigners were killed during the bombardment and only one, an American, was injured, but several suffered severe damage to property before the arrival of the battalion of marines on August 15. Major Butler, the commanding officer, quartered his men at first in private houses in the city but afterwards transferred them to the open country and established a camp near the Loma, where the air, water and drainage are good and whence his forces might easily defend themselves in case of another attack on Managua.

On August 16 I addressed a note to General Mena demanding that he return the American property unlawfully held by him and that he comply with his pledge to deliver up his forces to the Government. As the Nicaraguan messengers heretofore sent with the Legation's notes had been roughly treated by the insurgent forces, we decided to have this one carried by an American officer. Lieutenant E. H. Conger, U. S. M. C., readily agreed to assume the risk and set out for Granada with a guide. The next day the guide returned alone and reported that Conger had not been able to go any further than Masaya where he was held by Zeledón as a hostage. I then sent another note to Zeledón requesting that Lieutenant Conger be allowed to proceed to his destination or else started on his return to the Legation. Corporal George Copeland promptly volunteered to carry this message, and to inform Conger quietly that an expedition would be sent to rescue him if necessary. Before this last mentioned note was delivered Conger returned to Managua, having successfully completed his mission. The reply which he brought from Mena was characteristically verbose and unsatisfactory, and was evidently intended to gain time until the result of the fighting in León could be ascertained. I therefore sent another note to Mena informing him that in the interest of humanity and for the protection of the lives and property of Americans, others foreigners and non-combatants, the city of Managua has been declared a place of safe refuge and no further bombardment or other hostilities will be permitted. As a result of this action calm has been restored to the city and a feeling of relief has spread among the people here. But elsewhere the conditions are growing worse and great disorder prevails in those towns in which the Government has lost control. President Díaz has informed me that it may become necessary to use the army for the safeguarding of Americans. The rebel leaders have in some cases fallen out among themselves, and each suspects the others of plotting to gain supremacy. Mena has had Marcos Mairena named President at Masaya, but Zeledón, who is in military command there, has ambitions of his own; one faction of the Zelayistas has declared for General Paulino Godoy, and another for Francisco Baca, who is likewise being supported by the Salvadoran Government, so it is said here; Rodolfo Espinosa, Leonardo Argüello and Manuel Carazo also have presidential aspirations. There is no real leadership, and those who call themselves leaders find that they have little control over the mob. Especially in León the confusion has increased since the uprising which resulted in the annihilation of Durón's forces and the brutal killing of the two Americans, Harvey Dodd and Philip Craven.

On August 20 Captain Terhune, U. S. N., left Managua with forty bluejackets and ten marines to return to his ship, the *Annapolis*, at Corinto but was stopped by a mob at León and compelled to return to the capital on foot after having his train taken away from him. As soon as Major Butler heard of the indignities to which his marines had been subjected he at once announced his intention to escort Captain Terhune with 120 men and to force a way through León. I tried to persuade him to wait for the arrival of the U. S. S. *California* which was expected daily at Corinto with reenforcements. Until the latter should come I felt that it would be inadvisable to weaken the United States guard in Managua which had been held out to the foreigners as a place of safe refuge although Mena had announced that he would not recognize it as such. However, the expedition started to Corinto by train on August 26. That night the Nicaraguan Government intercepted a courier bearing messages from Mena to the Zelayistas which stated that a convoy of ammunition was being sent from Granada to León, and that as soon as it arrived a joint attack should be made on Managua from both sides. Very fortunately the Government forces succeeded in capturing the convoy near El Guayabal some miles from León, and thereby not only replenished its own stores with much needed ammunition but also prevented another bombardment of the capital.

I have [etc.],

GEORGE T. WEITZEL.

File No. 817.00/1930.

The Acting Secretary of State to the American Minister to Salvador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 4, 1912—6 p. m.

The following telegram from the President of Salvador has been received by the President:

> I fear serious complications if American troops enter into Nicaraguan territory. The situation grows steadily worse. In León people uprose at arrival of marines. The interference of Salvador Minister alone prevented serious consequences. I respectfully beg of you to suggest to President Díaz to enter into some arrangement of peace, accepting third person. I do this moved by my ardent desire for peace in Central America and my sincere friendship for Government and people of the United States.
>
> Respectfully,
>
> PRESIDENT ARAUJO.

You will, by the President's direction, seek an audience with President Araujo and hand him textually the following message in reply:

> HIS EXCELLENCY THE PRESIDENT OF SALVADOR:
>
> I appreciate your assurance of your ardent desire for peace in Central America and of your sincere friendship. These high motives will doubtless guarantee a strict adherence to and enforcement of the Washington conventions[1] so far as the Government of Salvador is concerned and will undoubtedly insure earnest support by the Government of Salvador of those measures in furtherance of Central American peace which the Government of the United States is taking under the moral mandate of the Washington conventions and is best able to undertake because of its entire aloofness from those political interrelations which might be used to challenge and frustrate the efforts, however sincere, of any one of the Central American republics.
>
> I share your opinion that the situation in Nicaragua has grown very grave. The Government of the United States has no thought of leaving its Legation and the lives and safety of its citizens and their property and its important interests in Nicaragua at the mercy of a rebellion based upon no principle and carried on with motives and methods vividly recalling the times of Zelaya and doing the most flagrant violence to all the principles of honor, of humanity, of order and of civilization.
>
> As to Your Excellency's suggestion, I can not now feel justified in suggesting to the legitimate Government of Nicaragua any arrangement with persons whose pledged word has proved valueless or any compromise of governmental authority legally bestowed and properly exercised.
>
> In view of all these circumstances and to make promptly effective the discharge of its duties, the Government of the United States intends, in accordance with the request of the Government of Nicaragua, to take adequate measures for the protection of its interests and in furtherance of peace and orderly government, to the support of which under the Washington conventions each Central American republic is solemnly pledged.
>
> I regret the rumors, which seem quite incredible, to the effect that the present rebellion in Nicaragua is being assisted from the territory of Salvador. It is not necessary to point out to Your Excellency that the vindication of the policy of Salvador finds its full opportunity in the Washington conventions.
>
> WILLIAM H. TAFT.

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[1] See For. Rel. 1907, pp. 655 et seq.

In your conversation you should leave no doubt in the mind of the President and Government of Salvador that their motives and activities are under considerable suspicion and are being closely watched; that the Government of the United States is absolutely determined to do its full duty in Nicaragua; and that the quality of the friendship of the Government of Salvador will be measured by its attitude in the premises.

HUNTINGTON WILSON.

File No. 817.00/1940b.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 4, 1912—7 p. m.

Unless a different course appears to you preferable—in which case you will telegraph your suggestions—you may communicate to the Government of Nicaragua the text of the following as the authorized declaration of the policy of the United States in the present disturbances. You may also communicate it unofficially to the rebel leaders, and make it public:

The policy of the Government of the United States in the present Nicaraguan disturbances is to take the necessary measures for an adequate legation guard at Managua, to keep open communications, and to protect American life and property.

In discountenancing Zelaya, whose régime of barbarity and corruption was ended by the Nicaraguan nation after a bloody war, the Government of the United States opposed not only the individual but the system, and this Government could not countenance any movement to restore the same destructive régime. The Government of the United States will, therefore, discountenance any revival of Zelayaism and will lend its strong moral support to the cause of legally constituted good government for the benefit of the people of Nicaragua, whom it has long sought to aid in their just aspiration toward peace and prosperity under constitutional and orderly government.

A group of some 125 American planters residing in one region in Nicaragua have applied for protection. Some two dozen American firms doing business in that country have applied for protection. The American bankers who have made investments in relation to railroads and steamships in Nicaragua, in connection with a plan for the relief of the financial distress of that country, have applied for protection. The American citizens now in the service of the Government of Nicaragua and the Legation itself have been placed in actual jeopardy under fire. Two wounded American citizens are reported to have been ruthlessly slaughtered. Besides the Emery claim due American citizens and the indemnity for the killing of Groce and Cannon in the Zelaya war, there are various American claims and concessionary interests. Under the Washington conventions, the United States has a moral mandate to exert its influence for the preservation of the general peace of Central America, which is seriously menaced by the present uprising, and to this end in the strict enforcement of the Washington conventions and loyal support of their aims and purposes all the Central American Republics will find means of valuable cooperation. These are among the important moral, political, and material interests to be protected.

When the American Minister called upon the Government of Nicaragua to protect American life and property, the Minister for Foreign Affairs replied that the Government troops must be used to put down the rebellion, adding: "In consequence, my Government desires that the Government of the United

States guarantee with its forces security for the property of American citizens in Nicaragua, and that they extend this protection to all the inhabitants of the Republic."

In this situation the policy of the Government of the United States will be to protect the life and property of its citizens in the manner indicated and, meanwhile, to contribute its influence in all appropriate ways to the restoration of lawful and orderly government in order that Nicaragua may resume its program of reforms unhampered by the vicious elements who would restore the methods of Zelaya.

The revolt of General Mena in flagrant violation of his solemn promises to his own Government and to the American Minister, and of the Dawson agreement by which he was solemnly bound, and his attempt to overturn the Government of his country for purely selfish purposes and without even the pretense of contending for a principle, make the present rebellion in origin the most inexcusable in the annals of Central America. The nature and methods of the present disturbances, indeed, place them in the category of anarchy rather than ordinary revolution. The reported character of those who promptly joined Mena, together with his uncivilized and savage action in breaking armistices, maltreating messengers, violating his word of honor, torturing peaceable citizens to exact contributions, and, above all, in the ruthless bombardment of the city of Managua, with the deliberate destruction of innocent life and property and the killing of women and children and the sick in hospitals, and the cruel and barbarous slaughter of hundreds reported at Leon, give to the Mena revolt the attributes of the abhorrent and intolerable Zelaya régime.

HUNTINGTON WILSON.

File No. 817.00/2180.

The American Minister to the Secretary of State.

No. 73.]

AMERICAN LEGATION,
Managua, September 8, 1912.

SIR: Referring to the Department's telegraphic instructions of August 25, 8 p. m.[1], I have the honor to transmit herewith copies of correspondence[1] showing the conditions at Matagalpa and the measures taken by the Legation in behalf of the Americans and other foreigners residing there.

Matagalpa is a very prosperous interior town about five days journey by mule from Managua and is the center of a rich agricultural and mining district controlled principally by foreigners, of whom there are about two hundred. When the disturbances began at the capital on July 29 there was considerable apprehension and alarm in Matagalpa because of the recent efforts of the Zelayistas to inflame sentiment against the Americans on account of an alleged insult to the Nicaraguan flag during the last Fourth of July celebration. (See my despatch No. 67 of July 29, 1912.[1])

The American acting consular agent, Mr. Spencer Richardson, wrote to the Legation on August 9, 16 and 18, and transmitted a petition signed by the American residents of the district, requesting that United States forces be sent to the interior. He added his own opinion that there was danger in certain circumstances of a massacre of the Americans. After consultation with Major Butler I replied on the 18th and 21st informing him that it was impracticable with the small forces at hand to send any part of them to Matagalpa or to any other point so inaccessible from a seaport, but I instructed him to say to the Americans, and to any other foreigners who may apply to him for advice, that if they believe their lives to be in jeopardy they may consider the advisability of seeking safe refuge in Managua for the time being. This reply did not seem to be entirely satisfactory to the Americans, who naturally did not wish to leave their property behind, but with only 350 marines in Nicaragua, besides the bluejackets, it was of course out of the question to weaken the forces in the capital.

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[1] Not printed.

The Oroya Leonesa mine, which is a British concern managed by an American, Mr. F. W. Nobs, wrote to the Legation, and likewise to the British Consulate General, requesting protection for its property against marauding bands. Mr. Venables came to see me, bringing a copy of the letter, and inquired what assistance could be rendered to the British interests in that district. I told him of the instruction given to the American consular officer in Matagalpa and explained that for the present at least no United States forces could be sent so far inland. I had already urged on President Díaz the necessity of taking all possible precautions, but I again brought the matter officially to the attention of the Nicaraguan Government by note, and was assured by the Foreign Office that additional troops would be ordered to the vicinity to afford ample protection. This assurance was communicated to the interested parties, and thereafter on September 6 I received a report from Mr. Richardson that the conditions had greatly improved and that there was for the time being no further apprehension of danger in Matagalpa.

I have [etc.]

GEORGE T. WEITZEL.

File No. 817.00/1959.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, September 10, 1912.

SIR: I have the honor to transmit herewith, for the information of the Department of State, copies of two cablegrams, dated September 8th and 9th, received from the Commander-in-Chief, Pacific Fleet, U. S. S. *Annapolis*, regarding the Nicaraguan revolution.

Respectfully yours,

PHILIP ANDREWS.

[Inclosure 1.]

U. S. S. *Annapolis,*
Corinto, Nicaragua, September 8, 1912.

The situation now completely quiet and absolutely under the control of myself from Corinto [to] Managua, and it is reduced to the status [of an] ordinary Central American revolution, which, with judgment, can be handled to a satisfactory termination. Plans now progressing will accomplish this result during this week. I shall open railroad fully from Corinto to the terminus [at] Granada, and keep it open. [I] possess all railroad stock and railroad personnel, composed of Navy and the Marine Corps.

SOUTHERLAND.

[Inclosure 2.]

U. S. S. *Annapolis*,
Corinto, Nicaragua, September 9, 1912.

In order to render futile any revolutionary movement while our force [is] operating in the country, the entire battalions [of] *California* and *Colorado* bluejackets have been assigned [to] Colonel Pendleton's command. He will occupy León with sufficient force under Lieutenant Colonel Long, and then will open railroad to Granada. My object is to prevent any (?) while we remain here.

SOUTHERLAND.

File No. 817.00/1960.

The American Chargé d'Affaires in Salvador to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
San Salvador, September 10, 1912.

An orderly anti-American mass-meeting was held here last night, the second demonstration that has been prompted by our policy in Nicaragua. The following report as to the sequel to the meeting has been received by this Legation from the Minister for Foreign Affairs:

> A large committee of workmen and students called to-day on the President to appeal to him in regard to the Nicaragua situation. The President replied as follows:
>
> The sovereignty of our brother country has not been attacked and is not in danger. The United States troops who disembarked did so at the solicitation of the lawfully established Government of Nicaragua; their only motive for disembarking was to protect the lives and property of foreigners. As soon as order is reestablished they will depart. Certain agitators are maliciously asserting that the United States intends to establish a protectorate, but this is not true.
>
> The Government of the United States is friendly to Salvador. As the Secretary of State of that Government said not long ago, "When American ships visit the waters of Salvador, it is in order to render to her the homage of sympathy."
>
> The transmission of these declarations will be thankfully appreciated by Your obedient servant and friend,
>
> M. CASTRO R.

HINCKLEY.

File No. 817.00/1935.

The Acting Secretary of State to the American Minister.

No. 52.]

DEPARTMENT OF STATE,
Washington, September 11, 1912.

SIR: The Department encloses herewith, for the information of your Legation, copies of a despatch dated the 22nd ultimo, and its enclosures, from the American Minister at San Salvador, concerning the attitude of Salvador and other Central American countries regarding the revolutionary conditions now existing in Nicaragua.

I am [etc.]

HUNTINGTON WILSON.

[Inclosure 1.]

The American Minister to Salvador to the Secretary of State.

No. 258.]

AMERICAN LEGATION,
San Salvador, August 22, 1912.

SIR: I have the honor to report that on the morning of the 15th instant Doctor Castro Ramírez, the Minister for Foreign Affairs, came to the Legation to request me to send a telegram to our Legations at Tegucigalpa and Managua, and ask our Ministers at those capitals to have the kindness to ascertain and advise me, by wire, for the information of President Araujo, if it was true that the Honduran Government had sent General Durón to Nicaragua with artillery and military forces to aid the Government of President Díaz. Minister Castro Ramírez explained that the reason why he requested me to send such a telegram was that President Araujo's telegrams to the Presidents of Honduras and Nicaragua of several days ago asking for this same information had apparently been intercepted, as he had received no response, and that the President thought the Legation's telegrams might be allowed to go through without molestation. I therefore sent the before-mentioned telegrams for President Araujo. A few hours later, however (at 11:30 a. m. of the same day and twenty-four hours before I had received a response from either Tegucigalpa or Managua), Minister Castro Ramírez came to the Legation and showed me a telegram from President Bonilla, of Honduras, to President Araujo, dated the 15th instant, informing him that General Durón has not been in the service of the Honduran Government for some time past, and adding that apart from the small force on the frontier, no troops of the Government of Honduras have been mobilized; while Minister Castro Ramírez sent to me on the afternoon of the same day (the 15th instant) a copy of a telegram to the President of this Republic from Señor J. Antonio López G., the Salvadoran Minister to Nicaragua, dated Chinandega, August 15, 1912, saying that General Durón had arrived at Managua with three hundred men and two machine guns, and that a train had passed Chinandega on that day with 50,000 rounds of ammunition from Amapala, Honduras. Consequently, as President Araujo had obtained the information which he wanted regarding the movements of General Durón direct from the Minister of Salvador to Nicaragua and also from the President of Honduras, I did not communicate to the Salvadoran Government the response of our Legations at Tegucigalpa and Managua. I enclose copies of the before-mentioned telegrams for the information of the Department, as well as a copy of an additional telegram which I have received from our Chargé d'Affaires at Tegucigalpa, dated the 20th instant, saying that the information contained in his first telegram in that General Durón had joined President Díaz is incorrect, while I also enclose a copy of my response to that telegram, dated to-day.

Respecting the attitude of the Government of Salvador in relation to the present revolution in Nicaragua, I have the honor to report that in a conversation which I had with President Araujo on the 17th instant upon this subject, the Executive stated to me that he had addressed an identic note to the Presidents of Guatemala, Honduras, and Costa Rica, proposing joint action in giving to the constituted Government of Nicaragua their moral, as well as their material support; and when I asked President Araujo with what result, he responded that the Government of Guatemala had consented to give to the Government of President Díaz its moral, but not its material support; that the Government of Honduras had replied, saying that it would join the Government of Salvador in rendering the constituted Government of Nicaragua both moral and material support, and, finally, that the answer of Costa Rica had been to the effect that the Government of that country would do whatever Salvador, Guatemala, and Honduras might dictate, in order to help in the restoration of peace in Nicaragua.

In this connection I may add that, pending an answer from the three before mentioned Governments, the Government of Salvador had completed arrangements with the Salvador Railway and Steamship Company for the transportation of one-thousand troops from here to Corinto, and that it was only yesterday that the Salvadoran Government resolved to abandon this project; and Doctor Castro Ramírez informed me in a conversation which I had with him to-day that his Government would confine itself to giving to the constituted Government of Nicaragua its moral support only. This is the situation here at the present time, and, aside from condemning General Mena for disturbing the peace of Central America, simply from morbid personal motives, the people of Salvador seem to take no other interest in the actual uprising in Nicaragua.

In explanation of his desire to ascertain if General Durón had been sent to Nicaragua by the Honduran Government to aid the Government of President Díaz against General Mena, President Araujo stated to me that he had had a suspicion (which he has now admitted to me without foundation) that the President of Honduras was working "underground" after having promised to cooperate with Salvador in rendering assistance to the actual Government of Nicaragua.

I have [etc.]

William Heimke.

File No. 817.00/1968.

The American Minister to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Managua, September 13, 1912, 9 a. m.

Your September 4, 7 p. m. Being convinced of the wisdom of communicating at once, I have delivered to the Foreign Office a textual copy of the Department's authorized declaration of policy, and have forwarded to Admiral Southerland another copy.

WEITZEL.

File No. 817.00/2003a.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 24, 1912.

Repeat to the other Legations in Central America for their information and guidance Department's declaration of policy, contained in the telegram of September 4, 7 p. m.

WILSON.

File No. 817.00/2033.

Interview between the Acting Secretary of State and the Minister of Salvador.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, September 26, 1912.

The Minister of Salvador called this morning to present the attached communication from President Araujo. I read it in Spanish, but explained to the Minister that I should wish to have it translated and carefully considered whereupon I should ask him to be good enough to come to the Department again to discuss the matter before taking further action.

The Minister twice intimated that he should think it would be all right to make the reply through our Legation in San Salvador, but I spoke in a friendly way of my preference for first discussing the matter with him. The Minister seemed, I thought, somewhat embarrassed at the news of Mena's surrender and intimated that of course the situation seemed to have changed a good deal. Mr. Mejía asked me if I knew what was to be done to the Liberals at León. I said that I was entirely without information on the subject.

I said that owing to our long-standing friendly relations I was always loath to have to mention any disagreeable subject, but that I thought I ought to say that even within the last forty-eight hours we had had reiterated reports that there were certain phenomena occurring in Nicaragua which the people there were utterly unable to explain on any other hypothesis than the sending of aid to the rebels from across the Salvadorean frontier whether in the form of money, arms, or men.

The Minister then spoke with a little more energy saying that, as I knew, the Gulf of Fonseca was between Salvador and Nicaragua, Honduran territory lying between, and then without illustrating more on this topic he passed on to speak of the frequent instructions he received in favor of putting forward Calderón, etc.

The President of Salvador to the Minister of Salvador.

[Translation of the communication above referred to; handed to the Acting Secretary of State September 26, 1912.]

Be good enough in a verbal interview to hand to Acting Secretary Wilson a textual copy of this instruction, asking him to bring it to the knowledge of His Excellency President Taft, to whom the original is addressed. It is as follows:

"It is believed here that the naval forces which occupy Nicaraguan territory have entered into warlike action against the revolutionists who occupy Granada. An occurrence of such gravity seriously compromises the responsibility of the other Central American executives. In order to safeguard my own and in fulfilment of the high duties of humanity which I am certain will find a generous response in the breast of the President, you will intimate to him the happy circumstance in that for the avoidance of greater shedding of blood among our brothers a propitious occasion is presented to the American Government of assisting the high offices of humanity acting in support of my Government, either jointly or separately, to the effect that Don Salvador Calderón should take provisional charge of the supreme power of Nicaragua during the period in which constitutional order is being reestablished by legal and peaceful means. Señor Calderón is a person of spotless antecedents, illustrious and upright, and moreover persona grata to the American Government and a friend of President Díaz, who has indicated to my Government that he would accept him in such a character. My Government engages to exercise moral pressure upon the revolutionary heads to induce acceptance of Señor Calderón in accord with that Government (of the United States), which would thus render a service not to be forgotten in the memory of the Central American people, eliminating the profound excitement which the gravity of recent events has caused in this country, which also will react markedly upon the moral opinion of the whole continent. Explain to the President the uprightness of my intentions in this grave emergency which I did not anticipate, since the Department of State had been so kind as to indicate to you that the American naval action would be limited to guaranteeing foreign life and property, and to safeguarding the American Legation and Consulates in that country, a statement which we received with the greatest satisfaction, especially inasmuch as it was confirmed by Minister Weitzel to our Minister in Managua. The undeniable consequences which the continuation of this inefficacious contest in the form and character which it presents today will bring upon Central America must be evident to the lofty intelligence of the President; and you will make one more endeavor in the proposed sense, interesting actively the humanitarian sentiments of the Chief Executive of that Government. I see with pain that the agreements contracted in Washington by the Central American delegates, merely under the good offices and generous hospitality which ex-President Roosevelt tendered them, are apparently being invoked in favor of the attitude recently assumed. Salvador, being one of the contracting parties, deems it its undeniable duty—a duty which becomes a right when it is a question of interpreting agreements which vitally affect it—to declare to President Taft in the most frank and respectful form that the good offices which the United States and Mexico afforded to the Central American plenipotentiaries are always remembered with gratefulness, but that they should be limited to that which they in good faith signify. The firm relations of cordial friendship which unite Salvador to the American Government authorize me to exercise this right in the most courteous form and with the best intentions.

MANUEL E. ARAUJO."

File No. 817.00/2033.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 26, 1912, 6 p. m.

In a communication sent by him to this Government the President of Salvador erroneously assumes that our forces are making war in Nicaragua and suggests the cooperation of Salvador and this Government, by their good offices, in causing Don Salvador Calderón to be given provisional charge of the Nicaraguan administration pending the reestablishment of constitutional order. The President of Salvador highly praises Calderón as a friend of Díaz who he says has indicated that this plan would be acceptable. He offers also to influence the revolutionary leaders to this end. He rather criticises our military activity as not limited to safeguarding the Legation and American interests and intimates that our policy exceeds what is proper under our relation to the Washington Conventions.

In my reply I propose to say to the Minister of Salvador that this somewhat singular communication was evidently written several days ago because it is based to a great extent upon misstatements of facts; that recent news from Nicaragua must have made the true situation clear; and that accordingly I should hesitate to submit the communication to the President without being assured that the President of Salvador would still regard it as opportune. I shall also say that the President's message sent the President of Salvador (with the Department's September 4, 6 p. m. to the Legation at San Salvador) still accurately represents the views of the President and would seem to make quite clear the attitude of this Government upon the points now raised. I shall also say that the Government of the United States sees no reason whatever why the present lawful Government of Nicaragua should consider the question of giving place to any provisional government.

WILSON.

File No. 817.00/2039.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, September 28, 1912.

SIR: I have the honor to invite attention to the telegram from the American Minister at Managua, dated 11 p. m., September 26th, transmitting a message for the Secretary of the Navy from the Commander-in-Chief, Pacific Fleet, dated September 26th, 9 p. m., and particularly to the following portion thereof:

> Please request Governor of Canal Zone to permit his [Mena's] landing. I suggest that he be kept under surveillance, and that neither he nor his son be allowed to go to any Central American state hereafter. He is sick and unable to walk, may have to be sent to the Ancon hospital.

This request and suggestion of Rear Admiral Southerland are submitted to the Department of State for its consideration and such action as may be deemed appropriate, attention being invited, in this connection, to the fact that the statements contained in this cablegram indicate that it is possible that the *Cleveland* may reach Panama as early as the afternoon of Sunday, September 29th.

Respectfully yours,

PHILIP ANDREWS.

File No. 817.00/2191.

The American Minister to the Secretary of State.

No. 74.]

AMERICAN LEGATION,
Managua, September 29, 1912.

SIR: I have the honor to inform the Department of the incidents leading up to the relief of the Americans and others foreigners in Granada who have been cut off from outside communication since July 29 last.

The only information as to conditions in the town was received from occasional refugees who have been able to escape the strict surveillance maintained by the forces under Mena, and from messengers with secret despatches sewed into their clothing. At first there was a tendency to consider the condition of the people as merely one of the incidents of warfare which however unfortunate must be borne with the best grace possible, but soon reports of outrages against person and property began to reach the outside, and of crimes which not even warfare could justify. Whatever doubts I may have had as to the danger to the lives of foreigners, equally with natives, were dissipated by my own observations in Managua during the bombardment when I became aware that the hotel where foreigners were known to be congregated was deliberately fired on, and even the Legation itself imperiled. A week later the two Americans, Harvey Dodd and Philip Craven, with Durón in León, were killed under circumstances of great brutality. Two British subjects were assassinated at Achuapa, a German was stabbed to death at San Ramón, and both the Amerian and British Consular officers at Matagalpa reported that every foreigner in that district would be in danger of his life if the Zelayistas came into control of affairs.

As soon as I received word from the Department of the despatch of reenforcements to Nicaragua I informed the Foreign office that additional vessels were coming, among them the U. S. S. *California*, flagship of Rear Admiral W. H. H. Southerland, U. S. N., with a regiment of Marines from Philadelphia, Colonel J. H. Pendleton, U. S. M. C., commanding, and I had hopes that the publicity given to this information would make it unnecessary to disembark any more troops. However, as communication with Corinto had been cut off for several weeks I was not then aware of the serious situation which had developed in that port and which was so fortunately relieved by the timely arrival of the reenforcements of the *Denver* and *California*. The Consul, James W. Johnson, displayed good judgment and commendable initiative under most trying circumstances, and Lieutenant Lewis after providing for the safety of the American women on board the *Annapolis* landed a squad of bluejackets to police the town at the request of the Comandante of the port. My first information of these happenings was received from Major Butler who returned to Managua on September 1 after rebuilding and repairing bridges and rails destroyed by the lawless element. Colonel Pendleton arrived at the capital on September 6, and was able with the marines and bluejackets stationed along the tracks to run an occasional train between Managua and Corinto, but as the telegraph and telephone wires were not restored there was no communication between the Admiral and the Legation, and we were consequently unable to confer together as to the measures to be taken. The manager of the railroad company complained to me that he was having considerable difficulty in operating his trains, so I wrote to the Admiral at the same time transmitting a copy of the Department's declaration of policy in Nicaragua, as set forth in its telegram to me of September 4, 7 p. m.

The members of the foreign colony in this city, including the German consular representative, C. Uebersezig, and the former Ecuadoran consul, Joaquin Arciniegas, addressed to me on September 13 a memorial appealing to the humane sentiments of the Legation for assistance in affording relief to their young daughters said to be suffering from want of provisions in the French boarding school at Granada. As the Nicaraguan Government army under General Macís had in the meanwhile on September 7 captured Santa Catarina thereby cutting off all communication between Masaya and Granada it was reasonably certain that both these towns would be eventually taken by the Government and that any pretense of resistance would mean only unnecessary suffering to the innocent, including the foreigners, women and children. Mena himself had already gone aboard the steamer *Victoria* ready to escape across the lake into Costa Rica. I therefore telegraphed to Admiral Southerland requesting that he order the immediate despatch of a train from Managua to Granada for the urgent relief of the Americans and other noncombatants, and to his letter of September 13 I sent a telegram cordially inviting him to come to the Legation and to be my guest during his stay in the capital. He very kindly accepted and arrived here on September 17 with his staff consisting of Lieutenant Charles G. Davy, Lieutenant Robert L. Ghormley, and Lieutenant-Commander Samuel I. M. Major.

A battalion of 350 marines under Major Butler, and 100 bluejackets of the *Annapolis* under Lieutenant Campbell, had already started on the 15th to open the railroad through the Barranca and Masaya to Granada so as to distribute the American Red Cross supplies and afford relief. They were accompanied by Mr. I. O'Reardon, an American, whose wife and family have been living in Granada for some time. He is a mining engineer and manager of the Libertad mine, knows the language and topography of the country, and was of great assistance to our forces. At Nindiri the train, flying the United States colors and a white flag, was fired upon from the Barranca by three-inch guns, and was forced to retire several hundred yards. Butler then entered into communication with Zeledon, and after Colonel Pendleton and Admiral Southerland had been consulted, and they had served a peremptory demand on Zeledón, the train was allowed to proceed. That same night the Nicaraguan Government outposts captured a courier with important despatches from Zeledon to Mena indicating that the United States forces had been permitted to pass the Barranca to be later ambushed. However, the plan failed and although a seeming attempt was made to assassinate

Major Butler the ambushers were driven off by the heavy fire of the marines.

During this time Mena was making desperate attempts to break the cordon and change his base from Granada to Rivas so as to keep open a safe retreat into Costa Rica, and was bombarding the towns on the lake. His troops, however, were again decisively defeated by General Macís and forced back on Granada.

Major Butler continued to move carefully towards the latter after repairing the roadbed, and entered the outskirts early in the morning of the 22nd. He at once communicated with Mena and informed the rebel leader of his intention to establish his forces at the railroad station to protect the American company's property and to be easily available in case of further outrages against the foreigners. The clerk of the Legation then commenced to distribute the American Red Cross supplies to the school children, the sick in the hospitals and other needy persons.

During the day about 400 Liberals who had been marching for two weeks from León secretly entered Granada and were immediately supplied with rifles by Mena. At night they began to shoot up the town and terrorize the people, and when information was brought to Major Butler of indignities against American families, he decided to prevent further disorders by disarming the troublemakers. Mena who was confined to his bed in the San Francisco fortress with inflammatory rheumatism, sent for the commanding officer of the marines and said he wished to turn over everything to the Americans. Butler consented to accept his surrender subject to the approval of Admiral Southerland who was then on his way to Granada where he arrived the night of the 24th instant and after considering the situation acceded to Mena's offer. He at once notified the Legation that he had made an arrangement to parole all the troops and to take Mena under his protection out of Nicaragua to Panama never to return to this country. I addressed a note in this sense to President Díaz who promptly signified his assent to the arrangement. When Admiral Southerland had been informed by me of this fact he quietly made preparations to move General Mena and his son, Colonel Daniel Mena, by train from Granada to Corinto where the prisoners were put on board the U. S. S. *Cleveland* on September 26 and shipped to the Canal Zone of Panama.

I have [etc.]

George T. Weitzel.

File No. 817.00/2028.

The Acting Chief of Staff of the War Department to the Adjutant General.

[Telegram forwarded by the War Department to Colonel Goethals September 30, 1912; copy sent to the Department of State on the same date.]

War Department,
Washington, September 30, 1912.

The Secretary of War directs that the Governor of the Panama Canal Zone be informed in substance as follows:

General Luis Mena, recent revolutionary leader in Nicaragua, has surrendered to Rear Admiral Southerland and will arrive at

Panama from Corinto on the U. S. S. *Cleveland* on October 1st, accompanied by his son and body servant. Rear-Admiral Southerland recommends: "Please request Governor of Canal Zone to permit his landing. I suggest that he be kept under surveillance, and that neither he nor his son be allowed to go to any Central American state hereafter. He is sick and unable to walk, may have to be sent to Ancon hospital."

The Secretary of State considers it important that General Mena and his son understand that the Government of the United States expects them to remain upon Canal Zone territory for the present.

The Secretary of War directs that you take appropriate action to carry out the wishes of the Secretary of State in connection with the Legation of Panama, which has been directed to cooperate with you.

W. W. WOTHERSPOON.

File No. 817.00/2046.

The American Minister to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Managua, October 1, 1912—9 a. m.

Your September 26, 6 p. m. I believe that any other course than the one therein proposed would result only in further disorder, which would probably spread to other Central American States.

No objection has ever been made to the validity of President Díaz's succession to office, and the acts complained of during his administration were Mena's acts as the real ruler of Nicaragua.

The President of Salvador is misinformed as to the conduct of the United States forces in Nicaragua, and if he says that the selection of Calderón as provisional president is acceptable to Díaz, he misstates the facts.

That Araujo is intriguing to name the next President of Nicaragua seems to me certain; his idea is doubtless a Central American union under the auspices of Salvador. His pretensions, I am sure, are not supported by any of the other countries.

WEITZEL.

File No. 817.00/2039.

The Acting Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, October 1, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo inviting attention to the request and suggestion of Rear Admiral Southerland, contained in his telegram to you dated September 26, 9 p. m., that the recent revolutionary leader in Nicaragua, General Luis Mena, who, upon his surrender to Rear Admiral Southerland, was sent to Panama on the U. S. S. *Cleveland*, be kept under surveillance and that neither he nor his son be allowed to proceed to any Central American state.

In reply I have the honor to inform you that at the request of this Department the War Department has directed the authorities of the

Canal Zone, with whom the American Legation at Panama will fully cooperate, clearly to explain to General Mena and his son that this Government expects them to remain at present upon Canal Zone territory.

I have [etc.]

HUNTINGTON WILSON.

File No. 817.00/2083.

The American Chargé d'Affaires at Panama to the Secretary of State.

[Telegram—Paraphrase.]

No. 223.]

AMERICAN LEGATION.
Panama, October 2, 1912.

SIR: I have the honor to inform you that General Mena, the Nicaraguan general, duly arrived per United States ship *Cleveland*, on October 1st, and was entered that afternoon at Ancon Hospital. His son and servant are remaining for some days in quarantine.

I am informed by Captain Barber, Chief of the Canal Zone Police, that General Mena's condition is such that he will be for some time unable to leave the ward. Captain Barber has practically decided, however, to keep him under surveillance so soon as he is able to move about.

While the Legation has not received any definite information as to his status, I learn that the Canal Zone authorities consider him as a quasi prisoner of war. Indeed there will be no other way to restrict his movements.

I have [etc.]

WM. WHITING ANDREWS.

File No. 817.00/2046.

The Acting Secretary of State to the American Minister.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 4, 1912.

Repeat to the Legation in Salvador Department's September 26, 6 p. m. and your October 1, 9 a. m.

WILSON.

File No. 817.00/2064.

The Minister of Nicaragua to the Secretary of State.

[Translation.]

LEGATION OF NICARAGUA,
Washington, October 5, 1912.

SIR: My Government has charged me with the honorable but deplorable duty of presenting to your excellency its most lively sympathy on the occasion of the killing of four and the wounding of six American marines, in the fulfillment of the task which the Government of your excellency imposed upon them, in Nicaragua, yesterday.

The debt of gratitude which my country has contracted toward your Government and the American people is of those that can never be adequately discharged.

The Government of Nicaragua has ordered all the funeral honors possible at this time for the American victims; and prays the Eternal that that may be the last generous blood which may be shed on American soil, and that from it may germinate throughout the Continent the welfare and the peace and the holy ideals which have formed that great nation.

I beg your excellency to make known the expressions and demonstrations of profound sympathy, condolence and gratefulness of my Government to His Excellency the President.

I beg [etc.]

SALVADOR CASTRILLO.

File No. 817.00/2064.

The Acting Secretary of State to the Minister of Nicaragua.

DEPARTMENT OF STATE,
Washington, October 8, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant by which you convey in courteous and grateful terms, and by direction of your Government, the expression of its sympathy on account of the killing of four and the wounding of six marines of the United States in the discharge of their duty in Nicaragua, and inform me of the honors that your Government has directed on the occasion of the funeral of the men killed.

I beg you, Mr. Minister, to be so good as to inform your Government of this Government's high appreciation of the friendly and sincere sentiments of your note.

While lamenting the circumstances of the death of these brave men, it is the hope and expectation of the Government of the United States that they will not have died in vain, but that from the sacrifice the people of Nicaragua will become united in striving only for that which is for the best good of the country and for the general happiness of the people.

Accept [etc.]

HUNTINGTON WILSON.

File No. 817.00/2108.

The American Minister to the Secretary of State.

AMERICAN LEGATION,
No. 77.] *Managua, October 18, 1912.*

SIR: I have the honor to transmit herewith copies of correspondence[1] relative to conditions at Masaya, Jinotepe and León before those places were finally entered by the United States forces.

The Consul of the Netherlands sent to me on October 1 a note requesting that if possible measures be taken by the American marines for the protection of the many Dutch families living in Masaya, and the next day a committee of twelve men and women refugees, representing German, Italian, British, Dutch and Nicaraguan residents of that town, visited the Legation to solicit relief from the conditions of terror and starvation ruthlessly inflicted on them by the rebel leaders.

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[1] Not printed.

As already fully reported by Rear Admiral Southerland, the two hills of Coyotepe and Barranca which controlled the railroad were taken by the marines and bluejackets early in the morning of the 4th instant, Zeledón having refused to evacuate, and soon thereafter the town of Masaya was captured by the Nicaraguan Government forces. At the request of President Díaz a company of marines was sent into the city under command of Captain E. A. Green, U. S. M .C., to prevent further reprisals against the rebels by the federal troops, which were then withdrawn, leaving the Americans to do the police work and afford relief to the sufferers both in Masaya and along the branch line of railroad extending south to Jinotepe and Diriamba.

Meanwhile, conditions in León and Chinandega had grown intolerable, and many appeals of which a few are enclosed, were filed with the Legation for the relief of foreigners and natives in those towns. The British, German and Spanish Consuls wrote to me requesting protection for their nationals.

On October 5 a committee of three prominent Liberals, Dr. Paniagua Prado, Modesto Barrios and Sebastian Salinas, visited President Díaz and offered on behalf of the insurrectionists to surrender their forces and lay down their arms if given amnesty. A similar proposal was made to Lieutenant Colonel Long, U. S. M. C., in command of the American forces at León, by Dr. Rodolfo Espinosa, Julian Irias and the other emigrados from Costa Rica. Both offers were accepted, but the emigrados, either because of treachery or fear, fled from the city towards the northern boundary and were afterwards captured by the Honduran Government patrol.

As Colonel Long was entering the city of León October 6 to take control according to the arrangement previously made, his men were fired on and three of them killed. A rather sharp engagement followed, the details of which together with other military matters have already been reported by Admiral Southerland.

Within four days after the taking of León all organized opposition to the Nicaraguan Government had ceased, and after the fugitives, under General J. R. Osorio, who were endeavoring to escape into Honduras, were overtaken and captured, measures were at once adopted to pay off and discharge about 6,000 troops who were then transported to their homes in the interior where they are needed to help gather the coffee and other crops, which promise to be unusually large this year in Nicaragua.

I have [etc.]

George T. Weitzel.

File No. 817.00/2108.

The Acting Secretary of the Navy to the Secretary of State.

Navy Department,
Washington, October 19, 1912.

Sir: I have the honor to transmit herewith, for the information of the Department of State, a copy of a cablegram dated October 17th, 1912, received from the Commander-in-Chief, Pacific Fleet, U. S. S. *Annapolis*, at Corinto, relating to the Nicaraguan revolution.

Respectfully yours,

BEEKMAN WINTHROP.

[Inclosure.]

The Commander-in-Chief, Pacific Fleet, to the Secretary of the Navy.

U. S. S. *Annapolis*,
Corinto, October 17, 1912.

Replying to your telegram of October 16th, 11:00 a. m., *Cleveland* will leave October 25th; *Denver* will be ready for sea October 26th.

The disturbance of the peace in Nicaragua has now ceased and public feeling is quieting down. With the exception of small guards on the passenger trains, will have railway company take [charge ?] completely October 21st. Will then consider it advisable to withdraw bluejackets gradually, completing withdrawal by November 15th. Will be able to withdraw a battalion [of] marines November 15th, and second battalion on or before December 1st. For the preservation of the peace indefinitely, a battalion of marines should remain, 250 at León [and] 150 at Managua [and should] keep at least one vessel in port [at] Corinto, [which vessel] must be small.

Commander Blamer sent small party [of] mounted bluejackets under the charge of Lieutenant M. S. Davis from San Juan del Sur over old Vanderbilt transit road to Virgin Bay, Lake Nicaragua, through rich agricultural district. The party above-mentioned [was] heartily welcomed by the natives, who expressed their strong desire for permanent peace, in order to cultivate [their] farms.

SOUTHERLAND.

File No. 817.00/2116.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, October 22, 1912.

SIR: I have the honor to transmit herewith, for the information of the Department of State, a copy of a cablegram, dated October 20th, 1912, received from the Commander-in-Chief, Pacific Fleet, at Corinto, stating that, except the landing forces of *Cleveland* and *Denver*, the force now in Nicaragua will be retained on shore until the election of November 3rd, 1912.

Respectfully yours,

BEEKMAN WINTHROP.

[Inclosure.]

The Commander-in-Chief, Pacific Fleet, to the Secretary of the Navy.

U. S. S. *Annapolis*,
Corinto, October 20, 1912.

Except the landing force of *Cleveland* [and] *Denver*, will retain force on shore until election of November 3, 1912; I do not anticipate any trouble, but consider it wise to be prepared.

SOUTHERLAND.

File No. 817.00/2121.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, October 24, 1912.

Your telegraphic request of October 21[1] for a report on the activities of the Mena insurrectionists.

Granada has a population of about 25,000. It claims to represent the intelligence, wealth and purest Spanish blood of Nicaragua. Its principal building is the church of San Francisco, of great size, thick walls and commanding position. Because of these qualities General Mena converted it into a combined storehouse, prison and fortress, and placed his son Daniel in command.

On July 29th Mena attempted his coup d'état. Within an hour Daniel Mena began to arrest prominent citizens in order to extort money. These prisoners were bound and locked together in a small filthy cell without toilet conveniences. For three days they were without water or food. When almost spent, food and drink was sold to them at 1000 pesos per plate. Martin Bernard, was taken to the police station, stripped, forced to walk naked to the church prison, and locked up; he was suffering intensely from kidney disease and soon went into hysterics. Another wealthy prisoner became temporarily insane.

On July 30, Daniel began sending troops with wagons to seize stocks of goods, and presently the soldiers took to looting on their own account. These acts continued almost two months and when Major Butler took possession of the church he found inside about 200 cattle and horses, and a large stock of silks, laces and other goods of little or no military use.

Women and children hid themselves; when captured, these wives and daughters of well-to-do citizens were forced to pay contributions. The young girls in the French school were kept in constant terror by squad after squad of soldiers. The Directress, Mlle. Eugénie Angevin, told me that the girls' dormitory was entered by troops who, under pretext of looking for Government [illegible] disguised as women, compelled the occupants of the beds to prove their sex.

The sufferings of the poor were even worse, on account of the system of reconcentration begun within a week after the outbreak, whereby the people were compelled to remain in the town. Farmers who ventured to bring their products to the market were so constantly robbed by the soldiers that they ceased to come at all, and the poor reconcentrados walked by hundreds from door to door begging for something to eat. The young children in particular suffered from lack of nourishment, death resulting in a few cases. On the day of the arrival of the marines a woman with five young children was planning to take them in a boat on the lake to drown them all in preference to the lingering death of starvation. This condition continued more than six weeks.

But this was not the only method of oppression of the common people. Mena's troops revived the Zelaya system known in Nicaragua as "palos y grillos," or flogging and chaining. There was also frequent shooting, and the cannon planted on top of the church were fired at night when no military purpose could be served other than to increase the terror of the populace, just as Managua was bombarded with a like barbarous intent.

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[1] Not printed.

Mena was appealed to for permission for the women and children to leave town, and although this would have lightened the food problem for his soldiers and would have bettered his military position, he refused. He next issued an order that in case Granada should be attacked, the women and children of Government sympathy should be banked around his fortress.

If the motives of the rebels had been political, instead of criminal, American and other foreigners would not have been attacked. An Italian, Antonio Cassinelli, makes affidavit that his house was broken into and robbed on September 11, by a squad of Mena soldiers who committed all manner of abuses, entering his wife's room and jeopardizing her life and that of her new-born babe; that he complained to Mena thereof and two days later at midnight a mounted guard came to his place, cut down the flag and fired at the house. Two other Italians, Folletti and Bagontano, complain of the looting of their store. A Colombian, Pedro Arceyuy, deposes that he was robbed of thousands of dollars' worth of merchandise on August 9. G. A. Argüello states that he was imprisoned in August and again in September and held for a ransom of 50,000 pesos; that his store was robbed on five occasions; and that certain barbarities of an unmentionable nature were committed. An American citizen, Emil Downing, states that he was arrested and imprisoned on three occasions, although he showed his citizenship papers, and was held on a demand for 5,000 pesos, being finally released by Major Butler; his house, over which Mrs. Downing had displayed the American flag, was twice entered with violence, once at night when the family were in bed; her eldest son was arrested and imprisoned. An American citizen, Mrs. Inez Etienne, widow, with daughter and niece and several children, states that her house was entered and robbed at night by soldiers, and such perishable food as they could not use was destroyed. There being no men in the house, the daughter went for relief to Mena's headquarters, where she was jeered by the soldiers; on another occasion one of the officers made an insulting proposal that she see Daniel Mena. On September 24 the mother was held up on the streets and robbed by soldiers.

Major Butler entered the city and, without firing a shot, disarmed the troops and restored order. Red Cross provisions were distributed to the hospitals, schools and poor people. This work was begun immediately by the Legation clerk, who reports pitiful and heartrending sights. Three thousand additional rations were issued by Major Butler; the American colony in Managua gave a carload of supplies; and the enlisted men of the Marine Corps shared their own meals with the poor who crowded their camp. Eight thousand were fed. The prompt action of Major Butler in disarming the troops saved the city from an even greater terror, for 400 hungry and desperate soldiers, just arrived after a ten days' march, had threatened to pillage and burn the town. The meaning of such a threat may best be realized from the indescribable horror and bloodshed accompanying the destruction of Masaya a few days later.[1]

WEITZEL.

File No. 817.00/2134.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, October 30, 1912.

SIR: I have the honor to transmit herewith, for the information of the Department of State, a copy of a report, dated October 18th, 1912, received from the Commander-in-Chief, Pacific Fleet, at Corinto, concerning operations in Nicaragua.

Respectfully yours,

PHILIP ANDREWS.

[Inclosure 1.]

The Commander-in-Chief, Pacific Fleet, to the Secretary of the Navy.

U. S. S. *Annapolis,*
Corinto, October 18, 1912.

The conditions in Western Nicaragua have steadily improved since the date of my last report and, due to the excellent results of our practical occupation of the late rebel towns from León to Chinandega both inclusive, the intensely bitter feeling existing between the two national parties is gradually quieting down and in addition, a desire for permanent peaceful conditions is steadily growing amongst the better classes.

The greater part of the Government army has been disbanded. This fact, with my order that no Government troops should be permitted to come within two miles of any of the towns referred to, and the knowledge that no reprisals of any kind would be permitted in any town occupied by our bluejackets and marines, has convinced the inhabitants that we are here, not to seize their country, but simply in the cause of humanity and to restore law and order. This belief has possibly been accentuated by the fact that I have extended the Department's order to protect Americans and other foreigners and their property to include all reputable Nicaraguans living in the towns above referred to, this action being necessary and wise under the existing circumstances.

All of the Government officials have been installed at León and the wheels of Government are now beginning to run smoothly, these officials all cooperating in the heartiest manner with Lieutenant Colonel Long to restore law and order and regain the confidence of the inhabitants. Stores and private houses have been opened and the city has nearly resumed its normal condition and appearance. Through the cooperation of some of the officials and prominent residents, Lieutenant Colonel Long has been able to obtain quite a number of rifles and dynamite bombs, and also a considerable quantity of Government tobacco which had been previously seized by the late rebels.

In Chinandega and the intermediate towns a similar improvement has taken place. In the first named town P. A. Surgeon C. B. Munger, U. S. Navy, has been made sanitary officer and the improved sanitary conditions resulting from his work are very noticeable. The same is also the case in Corinto where Assistant Surgeon C. M. George, U. S. Navy, has been acting as sanitary officer for some time.

On October 16th, Commander D. W. Blamer of the *Cleveland*, stationed at San Juan del Sur, sent a small party of mounted bluejackets under command of Lieutenant M. S. Davis, U. S. Navy, across country to Virgin Bay on Lake Nicaragua, over the old Vanderbilt transit road which was used by the California gold seekers in the early fifties, and which has been but little used of late years. This being the rainy season the road was very bad, mud in places being three feet deep. The distance is about ten miles but it took fourteen hours for the round trip. The road passes through a rich agricultural country the inhabitants of which welcomed and entertained the party and made it clear that they were tired of revolutions and wanted to work their farms and enjoy the blessings of peace. An intelligence report will be forwarded later.

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[1] For additional narratives pertaining to this subject (certified statements and affidavits) see File No. 817.48/22.

The conditions now being favorable I have informed the manager of the Corinto-Granada railroad that, if he does not need our assistance hereafter, I will direct the removal of all of our people now connected with the railroad except a small armed guard for each passenger train.

The guard of one company of marines now stationed at Granada will be reduced one half, and that of one section of marines now stationed at Masaya will be removed entirely, within one month.

The landing parties of the *Cleveland* and *Denver* will be withdrawn within one week, while those of the *California*, *Colorado* and *Annapolis* will be withdrawn, a few at a time, in such a manner as to have them all on board ship by or before November 15th, those at Corinto and San Juan del Sur remaining until the last.

The third battalion of marines will then have headquarters at Managua, one section of a company of which will be temporarily stationed at Granada. The first and second battalions of marines will have headquarters at León, one section of a company being temporarily stationed at Chinandega and two squads each at Chichigalpa, Posoltega and Quezalguaque.

From the best information obtainable it appears that the return fire of the third battalion of marines and the *California* and *Annapolis* bluejackets when Major Butler's train was attacked in passing through Masaya on the night of September 19th and four marines were wounded, resulted in the killing of fifty-six rebels and the wounding of seventy others, of whom twelve died in the hospital later. It also appears that the rebels attack was premeditated, and thus an act of treachery on the part of General Zeledón.

The Department, of course, understands that I now have eyes and ears in each of the important towns in Western Nicaragua except Matagalpa; these eyes and ears being of Navy and Marine officers who know how to mix with and make themselves agreeable to people of all classes. In a few days I expect to have a set of bright, intelligent Navy and Marine officers in Matagalpa to observe and report upon the actual conditions in and about that town.

The accompanying letter, with translation, sent to me by the ladies of the city of Granada, may prove of interest to the Department. An appropriate response has been made.

W. H. H. SOUTHERLAND.

[Inclosure 2.—Translation.]

Ladies of Granada to Admiral W. H. H. Southerland.

GRANADA, *October 11, 1912.*

HONORABLE SIR: Daughters of this beloved soil which God has endowed with a prodigality of beauty and natural riches, we should feel happy and contented if we had the tranquility indispensible for the development and well-being of the family; but, unfortunately, civil conflicts have resulted in weakening the ties which in every civilized country are considered sacred and which maintain the stability of all well organized society, which cannot exist without due respect for life and property.

These conflicts have been each day more stubborn and bloody, the bitterness each day greater, and the loss each time more irreparable, bringing about a division so deep in the Nicaraguan family that the most perverse elements predominated in this city and it fell to our lot to live in a state of horror and fright in which the mother, the daughter, the wife, and the sister saw themselves each moment threatened with the loss of all they held most dear, of their subsistence, of the most necessary things even for the life of the children, with the loss of their own honor.

It is for this, seeing the prolongation of the recent conflict which was growing fiercer each day, that we celebrated with enthusiasm your arrival on the shores of Nicaragua as an omen that soon our ills would cease. Our hopes were fulfilled, inasmuch as you have given with wonderful rapidity the peace and tranquility that we so longed for.

On account of the shortness of your stay in this city, we were not able to express to you personally our gratitude and profound esteem, so we send you a bouquet of flowers from our gardens, which in their perfume carry for you and your great and generous country the tenderest feelings of the women of Granada.

The judgment and prudence with which your worthy subordinate officer, Major S. D. Butler, U. S. M. C., has executed his mission in this city gives credit to the high efficiency of the officers and the morale and discipline of the American forces.

Already we have enjoyed for these few days real peace and tranquility with the stay of the American forces in our midst. It is for us to express the desire that our elder sister, the great Republic of the United States, so wise, so powerful, will bring to us permanently the benefits which all her sons enjoy throughout all her vast and peaceful domain.

With assurances [etc.]

MERCEDES DE CHAMORRO, AND OTHERS.

File No. 817.00/2199.

The American Minister to the Secretary of State.

No. 78.

AMERICAN LEGATION,
Managua, November 5, 1912.

SIR: I have the honor to inform the Department of the result of the elections held in Nicaragua on November 2, 1912.

As soon as the Government felt sure that the insurrection had been finally put down it began to pay off and muster out the troops with the view of bringing about normal conditions as quickly as possible. The business and farming interests then began to use pressure to have the question of elections disposed of at once in order thereby to remove one of the principal causes of agitation and unrest. As President Díaz was of the same opinion he decided to issue the necessary decree, but the leaders of his administration began to urge on him the advisability of having the presidential elections by indirect vote through the National Assembly. As the Dawson agreements provide for elections by popular, direct and public vote, in accordance with the Nicaraguan Constitution, it seemed to me appropriate to call attention to the fact by an informal note to President Díaz. He replied in the same friendly spirit and issued the necessary decree containing the electoral law and fixing the date for November 2.

A meeting of the Conservatives was called to discuss candidates. The most extreme element of the party, known as the "cachos", desired to nominate General Emiliano Chamorro, but the majority seemed to prefer Díaz or some other civilian. Díaz himself had little inclination to continue in office, and for a while matters almost reached a deadlock. Señor Manuel Lacayo of Granada was then proposed by the "cachos", and Dr. Salvador Calderón of Segovia by the Moderates, each of them receiving two votes of the four signers of the agreements, but finally Don Adolfo Díaz, of Bluefields and Managua, was chosen by the leaders and promised unanimous support at the polls by the party.

Even greater difficulty was experienced in nominating a candidate for the Vice Presidency, the "cachos" again insisting on General

Chamorro for the second place. Although probably the most popular leader with the militant faction of his party, he is for that very reason bitterly hated and feared by the Liberals, some of whom announced that if he were named on the ticket they would put up an opposition candidate for second place and endorse Díaz for first. Under these circumstances Chamorro himself and a great many of his friends requested the Legation to use its influence in his behalf, but I refused and furthermore I explained that while appreciating the important serviceshe has rendered his country I believed he could show even greater patriotism by declining to be a candidate for the vice presidency and thereby removing even the appearance of militarism in the new administration. In the end Don Fernando Solórzano, a merchant of Managua and close friend of Chamorro, was agreed upon. The General seemed satisfied and issued a manifesto urging all his followers to vote at the polls for Díaz and Solórzano.

The Liberals discussed the names of Dr. Francisco Baca, Manuel Carazo, José Dolores Mayorga and Dr. Rodolfo Espinosa, but when they saw that the Conservatives were united, they decided not to participate officially, either because unable to agree on candidates or else preferring to be in a position afterwards to continue the cry of fraud in the elections. Some of them however voted for Díaz in order to make sure the defeat of Chamorro who was suspected by them of working secretly for the presidency.

The elections passed off very quietly throughout the Republic and a large vote was cast notwithstanding heavy rains in all parts of the country. Díaz carried every district except Granada which went for Chamorro, and Solórzano received the undivided vote of his party.

The new President and Vice President will be inaugurated for the term of four years on January 1, 1913.

I have [etc.]

GEORGE T. WEITZEL.

File No. 817.00/2159.

The American Consul at Bluefields to the Secretary of State.

No. 86.]

AMERICAN CONSULATE,
Bluefields, Nicaragua, November 9, 1912.

SIR: I have the honor to confirm the following telegram to the Department, which was sent on October 16th by wireless via Colón:

> I have to suggest that the *Tacoma* be withdrawn, as there is no danger of any trouble now, all being quiet here.

Thinking that the ship may be needed elsewhere, and as it appeared to me that all danger had passed, I sent the above telegram. The ship received instructions on October 19th to proceed to Tampico, Mexico.

I have [etc.],

ARTHUR J. CLARK.

File No. 817.00/2188.

The Secretary of State to the American Minister.

No. 64.]
DEPARTMENT OF STATE,
Washington, November 13, 1912.

SIR: I enclose herewith for your information copies of two letters from the Acting Secretary of War and a copy of the Department's letter in reply thereto, regarding the detention of General Mena in the Canal Zone and his application for a writ of habeas corpus.

I am [etc.]

P. C. KNOX.

[Inclosure 1.]

The Acting Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, November 4, 1912.

SIR: The Department is in receipt of a cablegram from the Chairman and Chief Engineer of the Isthmian Canal Commission, under date of 2d instant, of the following tenor:

> General Mena has applied for writ of habeas corpus, Canal Zone courts, to be heard Wednesday. Counsel for Commission advises that court will probably grant the writ, and that, unless instructed to contrary, I will have to comply with the order of the court. Advise.

If you will kindly advise me of the views and wishes of your Department I shall be pleased to transmit them to the chairman for his information and guidance.

Very Respectfully,

ROBERT SHAW OLIVER.

[Inclosure 2.]

The Acting Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, November 5, 1912.

SIR: With reference to my letter of yesterday's date, regarding the application of General Mena for writ of habeas corpus, I now have the honor to transmit for your information the following cablegram which has this afternoon been sent to the chairman of the Isthmian Canal Commission:

> Replying to your cablegram second instant, your law officer will of course do all he can to defeat the writ. Should the court order release he will give the order its proper effect, and should Mena remain on the Canal Zone report any action upon his part which would justify his being taken again into custody under the provisions of section fourteen of the Penal Code of the United States; should Mena leave the Canal Zone or Panama, report the fact and his destination.

Very respectfully,

ROBERT SHAW OLIVER.

[Inclosure 3.]

The Acting Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, November 8, 1912.

SIR: I have the honor to acknowledge the receipt of your two letters dated November 4th and 5th, respectively, regarding the application of General Mena for a writ of habeas corpus, which was to be heard on the 6th instant in the Canal Zone Court.

I note the telegraphic instructions which you have sent to the chairman of the Isthmian Canal Commission after a discussion between the Judge Advocate General and the Solicitor of this Department, and have the honor to express this Department's approval thereof.

After investigation the Department has become of the opinion that, although it would be desirable to have Mena remain in the Canal Zone or in Panama, his departure therefrom would no longer constitute a serious menace to the people of Nicaragua. The Department, however, is glad that you have instructed the authorities of the Canal Zone to report Mena's destination should he leave the Zone or Panama.

I have [etc.]

HUNTINGTON WILSON.

File No. 817.00/2145.

The Minister for Foreign Affairs of Nicaragua to the Secretary of State.

[Telegram.—Translation.]

CORINTO, *November 14, 1912.*

The courteous hospitality of Admiral Southerland on board *California* is highly appreciated. I have the honor to send to your excellency my grateful and cordial salutation in the name of my Government.

DIEGO M. CHAMORRO.

File No. 817.00/2146.

The President of Nicaragua to the President.

[Telegram.—Translation.]

CORINTO, *November 14, 1912.*

Having been honored by the courteous hospitality of Admiral Southerland on board the *California*, I take pleasure in sending you my most cordial greeting together with the expression of my high esteem for you and for your country.

PRESIDENT DÍAZ.

File No. 817.00/2145.

The Secretary of State to the Minister for Foreign Affairs of Nicaragua.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 16, 1912.

Your cordial salutation received with thanks. Accept my sincere good wishes for the continued prosperity of Nicaragua.

(For the Secretary of State.)
A. A. ADEE.

File No. 817.00/2130.

The Secretary of State to the American Minister.

No. 65.]

DEPARTMENT OF STATE,
Washington, November 18, 1912.

SIR: The Department encloses for your information and comment copy of the Libro Rosado of Salvador for the month of September, 1912, which treats at length of the recent revolution in Nicaragua.

Your attention is invited to the telegram of Señor López G, the Salvadoran Minister to Nicaragua, dated Managua, August 5, 1912, and printed on page 2 of the Libro Rosado. The Department is considering the advisability of calling upon Salvador for an explanation of this telegram. You are already familiar with the Department's reply to Minister Mejía when he presented President Araujo's telegram of September 23, printed, without the reply, on page 13.

You are requested to report fully regarding Salvador's attitude, and that of the other Central American republics in the recent revolution.

I am [etc.]

P. C. Knox.

The Minister of Salvador to Nicaragua to the President of Salvador.

[From the Libro Rosado, p. 2.—Telegram.—Translation.]

Managua, *August 5, 1912.*

Mr. President: I have just had a long conversation with the American Minister in the course of which I secured his formal promise that he will not cause the disembarkation of any more men besides those guarding the Legation. He says he wishes to act in agreement with me in every respect, and he even suggested to me the propriety of my proposing some step to prevent the shedding of blood. He adds that whatever I propose he will support. Perhaps action jointly with the Governments of sister Republics would result satisfactorily. The marines will be reembarked when the danger is over.

Yours,

J. Antonio López G.

File No. 817.00/2200.

The American Minister to the Secretary of State.

No. 79.]

American Legation,
Managua, November 25, 1912.

Sir: I have the honor to inform the Department that Rear Admiral W. H. H. Southerland, U. S. N., Commander-in-Chief of the United States Pacific Fleet, sailed from Corinto, Nicaragua, on November 14, 1912, for San Diego, aboard his flagship the U. S. S. *California*, accompanied by the other vessels of the fleet.

At his request I sent an informal letter inviting President Díaz and the Cabinet to visit the *California* the day before sailing. This invitation was accepted, and very interesting ceremonies were observed, including full presidential honors to the chief guest. Speeches were made by the Admiral, the President and others, expressive of great friendliness and cordiality, and the whole affair passed off successfully without any untoward incident. An account of the visit was given in the Gaceta Oficial of November 13 and 14, copies of which have been sent to the Division of Information.

Colonel J. H. Pendleton, U. S. M. C., in command of the First Provisional regiment, and Major Smedley D. Butler, U. S. M. C., in command of the battalion of marines from the Canal Zone, left together on the 22nd instant for Panama, thus withdrawing all the

United States forces from Nicaragua except one battalion at León under command of Lieutenant Colonel Charles G. Long, U. S. M. C., and one company at Managua under Captain Robert C. Underwood, U. S. M. C.

The deportment of all these forces during their stay in Nicaragua has been exemplary in every way and has been the subject of favorable comment from many different sources.

If it may be done without seeming invidious, the Legation desires to make special mention of the services rendered by Major Butler and his capable adjutant Lieutenant E. A. Catermann, and by Lieutenant Colonel Long, Lieutenant E. H. Conger and Corporal George Copeland, the two last mentioned of whom volunteered to carry Legation despatches under circumstances believed at the time to be extremely dangerous. Major Butler was the first commanding officer to arrive here, and by his energy, tact and determination succeeded in reestablishing order in Managua and Granada. Colonel Long accomplished the same difficult task in León, both of them demonstrating that a competent officer adds at least fifty per cent to the efficiency of his command for work such as has been recently done in this country.

The Legation availed of the opportunity to express its thanks in person to Admiral Southerland and Colonel Pendleton for the services rendered by them, their officers and men during the time they were engaged in protecting American life and property in Nicaragua.

I have [etc.]

George T. Weitzel.

File No. 817.00/2170a.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, December 9, 1912.

The Department feels it is unnecessary to hold Mena indefinitely, although the Canal Courts have decided his detention legal, unless there are reasons for believing him still dangerous to the future peace of Nicaragua. Report your views.

Knox.

File No. 817.00/2173.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Managua, December 11, 1912.

Mena is no longer dangerous to the peace of the country in the opinion of the Government.

Weitzel.

File No. 817.00/2171.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, December 13, 1912.

Commanding Officer Terhune of the U. S. S. *Annapolis* telegraphed the Navy Department on December 9 as follows:

> If Nicaraguan conditions remain as at present, I recommend withdrawal of the marines about January 15, temporarily retaining 50 marines at Managua, attached to the station-ship at Corinto, as a guard for the Legation. Long concurs.

The foregoing is sent for your comment.

Wilson.

File No. 817.00/2173.

The Secretary of State to the Secretary of War.

[Telegram.]

Department of State,
Washington, December 13, 1912.

While the Department has learned with interest of the decision of the Supreme Court of the Canal Zone in refusing a writ of habeas corpus applied for by General Luis Mena the Nicaraguan revolutionary leader, it is inclined to believe that Mena is no longer dangerous to the peace of Nicaragua. I therefore recommend that instructions be telegraphed to the Canal Zone authorities to permit Mena and his son to depart if they wish to do so.

I have [etc.]

P. C. Knox.

File No. 817.00/2175.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Managua, December 14, 1912.

The Department yesterday sent for my comment Commanding Officer Terhune's December 9 to the Navy Department.

A naval vessel should be kept at Corinto. At Managua there should be at least 100 marines to maintain order until proper protection can be given by the Government. Withdrawal of all marines would be construed as the tacit consent of the United States to renew hostilities.

Although the newly elected administration represents the great majority, the treasury is empty and the necessary protective measures cannot at once be taken. If by means of the moral support of the United States this country can be placed on a secure financial basis—which its resources justify—it would be easy to maintain order.

The Government has been authentically informed that both Guatemala and Salvador are increasing their military establishments, and it is believed that if the restraining influence of the United States were removed, Estrada Cabrera and Araujo would precipitate war involving the other Republics, enforcing the union of all the Central American States, and having for its object the presidency of such a union.

WEITZEL.

File No. 817.00.2166.

The Secretary of State to the American Minister.

No. 70.]

DEPARTMENT OF STATE,
Washington, December 18, 1912.

SIR: The Department has received your No. 68, of July 31, 1912, transmitting correspondence relating to the revolutionary attempt of General Luis Mena, of July 29, 1912.

Your action in obtaining an interview with General Mena in which you communicated to him President Díaz's offer of amnesty on condition that he resign as Minister of War, and in obtaining from General Mena and the General commanding the Government forces letters in which they agreed to carry out such an arrangement, which was afterward violated by Mena, is approved by the Department.

I am [etc.]

P. C. KNOX.

File No. 817.00/2207.

The American Minister to the Secretary of State.

AMERICAN LEGATION.

No. 90.]

Managua, December 21, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 65 of the 18th ultimo (File 817.00/2130) together with its enclosure of a copy of the Libro Rosado of Salvador for the month of September, 1912, which treats at length of the recent revolution in Nicaragua.

On page 2 of the Libro Rosado is printed a telegram, dated Managua, August 5, 1912, in which the Salvadorian Minister, Señor J. Antonio López G., reports to his Government a conversation with me and alleges that he obtained my "formal promise" not to disembark another man besides those who were then guarding the Legation.

Of course I made no such promise, formal or otherwise, and I would have considered it presumption on his part to have requested any.

I have [etc.]

GEORGE T. WEITZEL.

File No. 817.00/2178.

The Acting Secretary of State to the American Minister.

No. 71.]

DEPARTMENT OF STATE,
Washington, December 24, 1912.

SIR: The Department has received your No. 71, of August 23, 1912, transmitting correspondence regarding the peace proposals of General Mena, the violation by the rebels of the armistice arranged by the Salvadoran Minister, and the protests of the Diplomatic Corps and the Consular officers in Managua against the bombardment of the city by Generals Mena and Zeledón.

Your action in endeavoring to assist in reaching a peaceful solution of the conflict between the Government and General Mena, and in taking the wise measures adopted by you for the defense of American and other interests after hostilities were resumed, is approved by the Department.

I am [etc.]

HUNTINGTON WILSON.

File No. 817.00/2203.

The American Minister to the Secretary of State.

[Extract.]

No. 93.]

AMERICAN LEGATION,
Managua, December 26, 1912.

SIR: I have the honor to inform the Department that the National Assembly in its session of December 18 canvassed the vote cast at the polls on November 2, 1912, and thereupon officially declared Don Adolfo Díaz and Don Fernando Solórzano elected President and Vice President, respectively, for the four years beginning January 1, 1913.

I have [etc.]

GEORGE T. WEITZEL.

FINANCIAL AFFAIRS. LOAN CONVENTION BETWEEN NICARAGUA AND THE UNITED STATES SUBMITTED TO THE SENATE OF THE UNITED STATES AND RATIFIED BY NICARAGUA. LOANS TO NICARAGUA BY AMERICAN BANKERS. GOOD OFFICES OF THE UNITED STATES.

File No. 817.51/133.

The American Minister to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Managua, May 6, 1911.

The President of Nicaragua has to-day been authorized by the Assembly to negotiate with American bankers, through the good offices of the United States of America, a loan not exceeding $20,000,000

American gold. The Assembly also authorized the President to conclude, subject to ratification by the present Assembly, such treaties and contracts as may be necessary to secure the loan.

NORTHCOTT.

62d Congress, 1st Session. Senate Doc. (Executive Series B.)

Message from the President of the United States transmitting a Convention between the United States and Nicaragua concerning a loan which Nicaragua contemplates making with citizens of the United States.

[Read June 8, 1911; convention read the first time; message and convention referred to the Committee on Foreign Relations and ordered to be printed in confidence for the use of the Senate.]

To the Senate:

In my message of January 26, 1911,[1] transmitting to the Senate the Honduran Loan Convention, I said:

> Besides the considerations of propriety, expediency and interest which make the present arrangement with Honduras alike desirable and mutually advantageous, its wisdom as an evolution in the direction of far-sighted international policy is to be borne in mind. Honduras is not alone in financial embarrassment. The continual disturbances of other Central American States put them also, although to a less degree, in the category of prospective borrowers. Within a year past Guatemala has sought the friendly counsel of the United States regarding the terms of a projected foreign loan, and it is announced, as part of the program of national recuperation put forth by the newly installed constitutional Government of Nicaragua, that the aid of the United States will be asked in effecting a readjustment of the debts of that Republic. It needs no profuse argument to show that the financial rehabilitation of the greater part of Central America will work potential good for the stability and peace of all and lead to that development of international resources and expansion of foreign commerce of which they are all capable and of which they all stand in need.

What was then expected with respect to Nicaragua has now become a fact. That Republic, after many years of governmental maladministration, interspersed with internal disturbances and followed by civil war, has at last established a government on a constitutional basis, which finds itself, unfortunately, with a depleted treasury and burdened with an accumulation of debts and claims, both domestic and foreign, which it is unable to meet without outside aid. It has accordingly indicated its desire for assistance on the part of the United States for the refunding of its debt and the placing of its finances and administration upon a sound and stable basis, with a view to meeting its foreign obligations and to securing the tranquil lity, prosperity and progress of the country. Heartily sympathizing with the Government of Nicaragua in its wish to reconstruct the financial and economic situation in that Republic and to further the development of that country, I empowered the Secretary of State to negotiate and conclude with the authorized plenipotentiary of Nicaragua a convention concerning a loan which that country contemplates making with citizens of the United States to provide for the refunding of its debt and the placing of its finances upon a sound and stable basis. This convention, signed at Washington on June 6,

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[1] See Honduras, Financial Affairs, p. 555.

1911, I transmit herewith to the Senate and commend with all earnestness to its favorable consideration, to the end that the advice and consent to ratification required by the Constitution may be given.

The convention with Nicaragua now transmitted is similar in its provisions to that with Honduras already before the Senate, and the weighty considerations of national and international policy which I advanced as counseling the consummation of the convention with Honduras are equally pertinent and applicable to the convention with Nicaragua. I deem it of paramount importance that both conventions should be ratified as contributing to the peace of Central America, for the fostering of which, under the Washington conventions of 1907, a moral obligation at least rests upon the United States.

Not only this, but a further responsibility is thrown upon us by the Monroe doctrine. Much of the debt of Nicaragua is external and held in Europe; and, while it may not be claimed that by the Monroe doctrine we may be called upon to protect an American Republic from the payment of its just foreign claims, still complications might result from the attempted enforced collection of such claims, from the involutions of which this Government might not escape. Hence it should be the policy of this Government, especially with respect to countries in geographical proximity to the Canal Zone, to give to them when requested all proper assistance, within the scope of our limitations, in the promotion of peace, in the development of their resources, and in a sound reorganization of their fiscal systems, thus, by contributing to the removal of conditions of turbulence and instability, enabling them by better established governments to take their rightful places among the law-abiding and progressive countries of the world. Better by far is this beneficial and constructive policy in the neighborhood of the Caribbean Sea, the Panama Canal and the Central American Republics, based as it is on the logic of our geographical position, the development of our commerce in the immediate neighborhood of our shores, our moral responsibilities due to a long-standing policy in the region mentioned, as well as, respecting Central America, arising from our relations to the Washington conventions, than it is with listless indifference to view unconcernedly the whole region in fomentations of turbulence, irresponsibly contracting debts that by their own exertions they would never be able to discharge, or to be required, as in several instances in the past, to land our armed forces for the protection of American citizens and their interests from violence, and for the enforcement of the humane provisions of international law for the observance of which in the region concerned this Government, whether rightfully or wrongfully, is held responsible by the world.

This convention now laid before the Senate, like the loan convention with Honduras, was drawn and signed, and now stands binding upon the Governments of the United States and Nicaragua, when by them ratified, only in respect to a loan contract when one shall have been signed which shall be finally found satisfactory to both Governments and shall consequently be admitted under the protection of the convention.

It is my judgment the part of wisdom and of statesmanship to ratify both the convention with Nicaragua now submitted and that with Honduras transmitted to the Senate on January 26, 1911, and it is my earnest hope that I may early receive the advice and consent of the Senate to their ratification.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, June 7, 1911.

Loan Convention between the United States and Nicaragua.[1]

The Republic of Nicaragua, being now established on a firm political and constitutional basis, after eleven months of civil war and after seventeen years of administrative abuses resulting in the illegal diversion of public property and revenue, the accumulation of debts and claims in the hands of both natives and foreigners, and the existence of ruinous and disputed concessions in many of which foreigners are beneficiaries, finds the financial and economic situation of the country in urgent need of radical reconstruction;

And believing that this needed reconstruction on account of the circumstances above set forth will be difficult and complicated, especially as it involves the necessity of obtaining a loan adequate in amount yet on terms commensurate with the national resources—

The Republic of Nicaragua has indicated its desire for cooperation on the part of the United States for the refunding of its debt and the placing of its finances and administration upon a sound and stable basis with a view to meeting its foreign obligations, and to securing the tranquillity, prosperity and progress of the country.

And the Government of the United States, animated by a desire to promote the peace and prosperous development of all the Central American countries, and appreciating the wish of Nicaragua to contribute to such development by establishing on a firm footing its own material strength;

And it being recognized as necessary, in view of the present conditions of Nicaraguan finances and resources, that, to afford efficient and legitimate security and to obtain the special benefits sought, the Governments concerned should assume a special relation thereto;

And the two Governments being convinced that some contract should be negotiated and concluded between the Government of Nicaragua and some competent and reliable American banking group, said contract to afford a beneficial, just and equitable accomplishment of the purposes in question, have, with these objects in view, named as their plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

The President of Nicaragua, Dr. Salvador Castrillo, junior, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua near the Government of the United States;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following:

ARTICLE I.

The Government of Nicaragua undertakes to make and negotiate a contract providing for the refunding of its present internal and external debt and the adjustment and settlement of claims, liquidated and unliquidated; for the placing of its finances upon a sound and stable basis; and for the future development of the natural and economic resources of that country. The Governments of the United States and Nicaragua will take due note of all the provisions of the said contract when made, and will consult, in case of any difficulties, with a view to the faithful execution of the provisions of said contract, in order that all the benefits to Nicaragua and the security of the loan may at the same time be assured.

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[1] Ratified by the Assembly of Nicaragua June 15, 1911, and July 7, 1911. Made public August 5, 1911. Still pending in the Senate of the United States.

ARTICLE II.

The loan which shall be made by the Government of Nicaragua pursuant to the above undertaking shall be secured upon the customs of Nicaragua, and the Government of Nicaragua agrees not to alter the import or export customs duties, or other charges affecting the entry, exit, or transit of goods, during the existence of the loan under the said contract, without consultation and agreement with the Government of the United States.

ARTICLE III.

A full and detailed statement of the operations under this contract shall be submitted by the Fiscal Agent of the loan to the Department of State of the United States and to the Minister of Finance of Nicaragua at the expiration of each twelve months, and at such other times as may be requested by either of the two Governments.

ARTICLE IV.

The Government of Nicaragua, so long as the loan exists, will appoint from a list of names to be presented to it by the fiscal agent of the loan and approved by the President of the United States of America a collector general of customs, who need not be a Nicaraguan and who shall administer the customs in accordance with the contract securing said loan, and will give this official full protection in the exercise of his functions. The Government of the United States, should the circumstances require, will in turn afford such protection as it may find requisite.

ARTICLE V.

This Convention shall be ratified and the ratifications hereof shall be exchanged at Managua as soon as possible.

In faith whereof, the respective plenipotentiaries have signed the present Convention in the English and Spanish languages and have hereunto affixed their seals.

Done in duplicate, at Washington, this sixth day of June, one thousand nine hundred and eleven.

(SEAL) PHILANDER C. KNOX.
(SEAL) SALVADOR CASTRILLO.

62d Congress, 1st Session. Senate Doc. (Executive Series C.)

Special Message from the President of the United States in relation to the Honduran and Nicaraguan Loan Conventions.

[Read June 29, 1911; referred to the Committee on Foreign Relations, and ordered to be printed in confidence for the use of the Senate.]

To the Senate:

The loan convention between the United States and Nicaragua, signed at Washington on June 6, 1911, and which I transmitted to the Senate on the following day with a view to obtaining that body's advice and consent to its ratification, was approved by the Nicaraguan Congress on June 14 with certain slight verbal changes so entirely consistent with the meaning of the convention as to make the acquiescence of this Government in such textual changes quite unobjectionable.

Upon the receipt very shortly of an authenticated copy of the amended text I shall ask the Senate to take favorable action upon this final form of the convention. Meanwhile, however, inasmuch as the substance and the principle of the convention are unchanged, and are indeed the same as in the convention between the United States and Honduras, submitted to the Senate January 26, 1911,[1] I take this opportunity again very earnestly to recommend that the Senate give to these two conventions its thorough deliberation in order that when I shall have laid before you the amended text of that with Nicaragua your final action may be taken at an early date.

It is doubtless unnecessary for me to reiterate my well-considered conviction that it is the duty of the United States to ratify these conventions. Among the reasons for this belief I may mention that these conventions are a practical measure of peace; that they are of vast commercial advantage, especially to the Southern States; that so far from involving entanglements, they will greatly reduce actual interference in Ceneral American affairs; that they make American diplomacy and American capital helpful to neighboring republics to which our friendliness is peculiarly due; and that they lay the foundations for peace in the neighborhood of the Panama Canal, where constant turbulence is especially intolerable.

The ratification is urgent at the present session, because in the case of Nicaragua a loan can not be made; the Groce and Cannon indemnities can not be paid; the Emery claim can not be met; other claims and questions of monopolistic concessions can not be adjusted; railway improvements can not be undertaken; and, in short, Nicaraguan finances can not be removed from chaos to a condition where trade will prosper and where the Government revenues will not be the prey of revolution.

In the case of the Honduras convention, there are still other reasons for urgency. The Government of the United States can not expect the British Government indefinitely to delay proceeding to take its own measures for the settlement of the bonded debt due British subjects, and American bankers can not be expected indefinitely to hold options upon the foreign bonds.

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[1] See Honduras, Financial Affairs, p. 555.

I deem it my duty again to emphasize my conviction that these conventions if examined in the broad aspects of the true policies involved will be found so responsive to the duty and to the interests of the United States as a whole that they will receive at the present session the approval of the Senate and the consequent ratification deemed by the Executive of really vital importance.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, June 28, 1911.

62d Congress, 1st Session. Senate Doc. (Executive Series E.)

Special Message from the President of the United States, suggesting certain amendments to the convention between the United States and Nicaragua (Executive B, 62d Cong., 1st sess.), concerning a loan which Nicaragua contemplates making with citizens of the United States.

[Read July 17, 1911; referred to the Committee on Foreign Relations, and ordered to be printed in confidence for the use of the Senate. Made public August 5, 1911.]

To the Senate:

In my special message of June 28, 1911 (Confidential Executive C, 62d Cong., 1st sess.), I brought to the knowledge of the Senate the fact that the loan convention between the United States and Nicaragua, signed on June 6, 1911, and transmitted to the Senate on the following day, had been approved by the Nicaraguan Congress with certain slight unobjectionable changes.

I am now enabled to inform the Senate that the action of the Nicaraguan Congress in this respect consisted in so changing Article IV of the Spanish text of the convention as to make it follow mutatis mutandis the language of the Spanish text of the same numbered article of the loan convention between the United States and Honduras.[1] I transmit herewith a correct copy of the article as adopted by the Nicaraguan Congress, which has been furnished by the American Minister at Managua.

The Senate will not fail to notice that the change made is of phraseology only; that it in nowise affects the sense or force of the article; and that it requires the amendment by the Senate of the English text of the article only in two unimportant and immaterial particulars, namely, the striking out, in lines 7 and 8 of the article, of the words "who need not be a Nicaraguan and," and in line 13 the words "should the circumstances require."

I therefore recommend that in giving its advice and consent to the ratification of this convention, the Senate will do so with the following amendments: "In lines 7 and 8 of Article IV, strike out the words 'who need not be a Nicaraguan and'; and in line 13 of the same article the words 'should the circumstances require.'" As so amended the article would read as follows:

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[1] See page 561.

ARTICLE IV.

The Government of Nicaragua, so long as the loan exists, will appoint from a list of names to be presented to it by the fiscal agent of the loan and approved by the President of the United States of America, a collector general of customs, who shall administer the customs in accordance with the contract securing said loan and will give this official full protection in the exercise of his functions. The Government of the United States will in turn afford such protection as it may find requisite.

I have already on three occasions[1] endeavored to impress upon the Senate the great importance which I attach to the consummation of this convention and the like convention with Honduras, and have stated the reasons which persuade me to take this view. Reiteration of these reasons is unnecessary and might tax the patience of the Senate; but my conviction of the benefits which would accrue from these conventions is so strong that the Senate will acquit me of overzeal if, feeling my responsibility to the interests of the United States, I should deem it my duty, as I do, again most earnestly to commend them to the favorable consideration of the Senate during its present session.

WM. H. TAFT.

THE WHITE HOUSE, *July 15, 1911.*

File No. 817.51/243.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, October 9, 1911.

The loan contract between American bankers and Nicaragua, of Sept. 1, 1911, was approved today by the National Constituent Assembly.

GUNTHER.

File No. 817.51/256.

Brown Brothers and Company and J. and W. Seligman and Company to the Secretary of State.

NEW YORK, *November 2, 1911.*

SIR: We beg to advise you that on September 1, 1911, we entered into an agreement with the Republic of Nicaragua, by which we undertook to make a temporary loan of $1,500,000, which the Republic urgently needed. As security for this loan, Nicaragua pledged her customs receipts, and agreed, in order to make such pledge effective, that the customs should be collected by a Collector General to be nominated by us and to be approved by you. We beg to hand you herewith a copy of the agreement referred to.[2]

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[1] One of these being in the message of January 26, 1911, printed under Honduras, Financial Affairs, p. 555.

[2] Not printed.

The contract having been approved by the Congress of Nicaragua and having therefore become effective, we have, in accordance with its terms, nominated Mr. Clifford D. Ham to be Collector-General of Customs of Nicaragua. Relying upon your good offices in this matter, we submit his name to you, and beg that if it meets with your approval you will so advise us.

Mr. Ham is at present Surveyor of the Port of Manila, in the Philippine Islands, and has been recommended to us as a person qualified for the position and worthy of our confidence.

Respectfully yours,

Brown Brothers and Company.
J. and W. Seligman and Company.

File No. 817.51/257.

The Nicaraguan Minister to the Secretary of State.

Legation of Nicaragua,
Washington, November 7, 1911.

Excellency: I have the honor to inform your excellency that a contract providing for a loan of $1,500,000 to the Nicaraguan Government by Messrs. Brown Brothers and Company and J. and W. Seligman and Company of New York, was signed by myself and Messrs. Brown Brothers and Company and J. and W. Seligman and Company of New York on September 1st. This contract was subsequently submitted to the President of Nicaragua and the National Constituent Assembly, and was duly approved by that body on October 9th. The contract provides that this loan shall be secured by the customs receipts of Nicaragua, which shall be collected by a Collector General of Customs nominated by the bankers, approved by the Secretary of State, and appointed by the Government of Nicaragua.

As I am under telegraphic instructions from my Government to expedite this matter, I have the honor to request that when the bankers shall have submitted to your excellency for approval the name of the person proposed by them as Collector General that you will take action thereon as early as may be convenient.

Respectfully I am [etc.]

Salvador Castrillo.

File No. 817.51/256.

The Secretary of State to Brown Brothers and Company and J. and W. Seligman and Company.

Department of State,
Washington, November 11, 1911.

Gentlemen: I acknowledge the receipt of your joint letter of the 2d instant wherein you advise me that on September 1, 1911, you entered into an agreement with the Republic of Nicaragua by which you undertook to make a temporary loan of $1,500,000 which you state the Republic urgently needed. You inform me that as security for this loan the Republic of Nicaragua has pledged its customs receipts and agreed, in order to make such pledge effective, that the customs should be collected by a collector-general to be nominated by you and approved by me, and you enclose with your letter a copy of the agreement referred to. You further inform me that the contract has been approved by the Congress of Nicaragua, and that, having therefore become effective, you have, in accordance with its terms, nominated Mr. Clifford D. Ham, who is at present Surveyor of the Port of Manila, in the Philippine Islands, to be Collector-General of Customs of Nicaragua. You submit his name to me, requestion that if it meets with my approval you be so advised.

In reply you are informed that a note has also been received from the Envoy Extraordinary and Minister Plenipotentiary of Nicaragua in this city in which he informs the Department of the negotiation of this contract and requests, on behalf of his Government, that I take action upon the request made by you for the approval of the nomination of a Collector-General of Customs of Nicaragua who, under the terms of the contract, is to be appointed by that Government. Since receiving your letter I have caused inquiry to be made regarding the fitness of Mr. Ham to fill the position for which he has been selected, and I am happy to be able to advise you that I have received a favorable reply. I therefore approve the selection of Mr. Clifford D. Ham as Collector-General of Customs of Nicaragua, as a suitable and competent person to discharge the duties of that position.

As pointed out during your informal conferences with officials of this Department in the month of August last, my approval of the person selected for the post of Collector-General of Customs of Nicaragua must not in any wise be understood as indicating that the Government of the United States will lend any other or further good offices in the protection of the American citizens parties to this contract than it would accord to any legitimate American enterprise abroad, nor that this approval places the bankers in any better position in regard to seeking this protection than if I took no part whatever in the approval of a Collector-General of Customs.

I am [etc.]

P. C. Knox.

File No. 817.51/257.

The Secretary of State to the Nicaraguan Minister.

No. 12]

Department of State,
Washington, November 11, 1911.

Sir: I have the honor to acknowledge the receipt of your note of the 7th instant, in which you inform me that a contract [etc.]

In reply, I have the honor to inform you that the name of Clifford D. Ham, at present Surveyor of the Port of Manila, has been placed in nomination by Messrs. Brown Brothers and Company and J. and W. Seligman and Company to fill the post of Collector-General of Customs of Nicaragua, and that I have this day approved his nomination as a suitable and competent person to fill that position.

Accept [etc.]

P. C. Knox.

File No. 817.51/273.

Brown Brothers and Company and J. and W. Seligman and Company to the Secretary of State.

New York, *December 13, 1911.*

Sir: We have the honor of handing you herewith, for your information, copy of a contract entered into on December 9th between the Republic of Nicaragua, the Ethelburga Syndicate, Limited, of London, and such holders of Nicaraguan Government bonds of the issue of 1909 as may hereafter assent thereto.

This contract was negotiated by us on behalf of Nicaragua in accordance with the terms of the agreement of September 1, 1911, between the Republic of Nicaragua and ourselves, copy of which accompanied our letter to you of November 2nd last. By its terms the contract of December 9th is subject to the approval of the Nicaraguan Executive, to whom we have submitted it.

Respectfully yours,

Brown Brothers and Company.
J. and W. Seligman and Company.

File No. 817.51/275.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Managua, December 16, 1911.

The Financial Agent, Colonel Ham, and Captain Wilson, assumed charge of their respective posts today.

Gunther.

File No. 817.51/280.

[Telegram.—Extract.]

American Legation,
Managua, December 26, 1911.

The good offices of the United States are requested by the President of Nicaragua for securing the services of an excise expert to advise as to a thorough excise reform.

Gunther.

File No. 817.51/294.

The American Chargé d'Affaires to the Secretary of State.

American Legation,
No. 161.] *Managua, December 30, 1911.*

Sir: I have the honor to enclose herewith a copy and translation of a Presidential decree,[1] which was subsequently ratified by the Assembly, approving the transaction entered into by Messers Brown Bros. and Co. and J. and W. Seligman and Co., as authorized agents of the Republic of Nicaragua with the Ethelburga Syndicate Ltd, of London. This decree bears date of the 14th instant, and was published in the "Gaceta Oficial" on the 23rd instant.

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[1] Not printed.

The President and other members of his Government have expressed to me their gratification at this prompt and satisfactory solution of this harassing and disturbing obligation.

I have [etc.]

F. M. GUNTHER.

File No. 817.51/280.

The Secretary of State to the American Chargé d'Affaires.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, January 12, 1912.

Edwin A. Thayer highly recommended for excise expert by the Insular Bureau. He is Chief of the Bureau of Accounts, Treasury Department, Porto Rico.

KNOX.

File No. 817.51/292.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, January 15, 1912.

The President and Minister for Foreign Affairs agree to appoint Mr. Thayer at $6,000 per annum.

GUNTHER.

File No. 817.51/292.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 19, 1912.

Thayer accepts and will sail from San Juan January 22.

WILSON.

File No. 817.51/297A.

The Secretary of State to various Senators.

[Circular letter.]

DEPARTMENT OF STATE,
Washington, January 22, 1912.

MY DEAR SENATOR: I have ventured to send you copy of an address I recently made on "The Monroe Doctrine and some incidental obligations in the zone of the Caribbean." I do so in the hope of increasing your interest in the Convention between the United States and Honduras, and even more especially the Convention between the United States and Nicaragua, which now await the advice and consent of the Senate. As you know, these Conventions are urged as a practical measure of peace; as a real benefit to commerce, particularly of the Southern States; and as a safe and provident measure of foreign policy. Moreover, the regeneration of Nicaragua clearly depends upon our willingness now to extend a helping hand.

Trusting that this important subject may have the advantage of your impartial consideration,

I remain [etc.]

P. C. KNOX.

[Inclosure.]

Address of the Honorable Philander C. Knox before the New York State Bar Association, January 19, 1912.

THE MONROE DOCTRINE AND SOME INCIDENTAL OBLIGATIONS IN THE ZONE OF THE CARIBBEAN.

GENTLEMEN: When I was invited to address this distinguished gathering of lawyers, I was very glad to act on the suggestion that I speak to you on the subject of the two highly important conventions now awaiting the advice and consent of the Senate as the coordinate branch of the executive treaty-making power. I refer to the conventions negotiated during the year just passed between the United States and Honduras and between the United States and Nicaragua, both with the object of assisting those two Republics to work out their own best interests and to achieve prosperity through their own efforts.

Before commending to your attention these two conventions I wish to make clear the important fact in their favor that they respond to, and indeed actually evidence, one element of a policy initially adopted by us for our guidance in international affairs almost a century ago, and since then repeatedly announced and carried out by successive administrations of all political shades and beliefs. Involving thus a question of international policy, the conventions deserve the more attention because of their relations to the abstract principles of international law.

Contiguous countries or those approximate by reason of being parts of one of the earth's great geographical subdivisions sustain natural and inevitable relations toward each other, out of which arise certain political correlations to be asserted from time to time as the safety, welfare, and progress of the group as a whole or that of its members may require. One of these relations involves the necessity of being mindful of the activities of other States and the preservation among them of an existing stable status, "whether," as Phillimore says, "by preventing the aggressions and conquests of any one power or by taking care that out of the new order of things produced by internal revolutions no existing power acquires an aggrandizement that may menace the liberties of the rest of the world."

This relation and the necessities arising out of it are doubtless as old as human government and seem certainly to have become an avowed and conscious policy so soon as there existed in the world great States in rivalry for supremacy. For example, Hiero, King of Syracuse, though an ally of Rome, sent aid to Carthage during the war of the auxiliaries; and Polybius asserts that the King justified his course as necessary "both in order to retain his dominions in Sicily and to preserve the Roman friendship that Carthage should be safe, lest by its fall the remaining power should be able, without let or hindrance, to execute every purpose and undertaking."

Modern nations have found it necessary to invoke and enforce the same principle, and our own Government very early in its history adopted it when it pronounced the Monroe doctrine, the first assertion of which was based on purely selfish motives, namely, that this country's safety and peace depended upon the exclusion of American soil as a field for further European colonization.

The founders of our Government (observers of the strifes, turmoils, and rivalry among the countries of Europe) very early saw, in their providential wisdom, the necessity for creating and maintaining upon this hemisphere a status which should not threaten the existence or political stability of this nation. As early as 1793 Jefferson indicated in an instruction to the American Minister to Spain his apprehensions over the further acquisition of territory on this continent by European powers.

A few years later, in 1801, Mr. King, then Minister to England, reported that in an interview with Lord Hawkesbury he had indicated that the United States were "contented that the Floridas remain in the hands of Spain, but should not be willing to see them transferred, except to ourselves." In 1808 President Jefferson, writing to Gov. Claiborne, of Louisiana, asserted that—

"We shall be well satisfied to see Cuba and Mexico remain in their present dependence, but very unwilling to see them in that of either France or England, politically or commercially. We consider their interests and ours as the same, and that the object of both must be to exclude all European influence from this hemisphere."

Three years later President Madison sent to Congress a secret message regarding the occupation of the Floridas, in response to which Congress, in secret session, passed on January 15, 1811, a resolution which recited that—

"Taking into view the peculiar situation of Spain and of her American Provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce," resolved,

"That the United States, under the peculiar circumstances of the existing crisis, can not, without serious inquietude, see any part of the said territory pass into the hands of any foreign power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory, * * *."

These few antecedents show how clearly this principle was understood by, and how vividly its importance was impressed upon, the founders of our Government, and how early they consciously adopted it in order to secure so far as possible from outside pressure the preservation of the Union. Moreover, even European countries not only recognized the principle itself as among themselves but also its application to the existing political conditions in the Americas. In the correspondence between Mr. Rush and Mr. Canning, as a result of which, at least in part, President Monroe made his announcement, Mr. Canning, in a letter to Mr. Rush under date of August 20, 1823, in speaking of the Spanish efforts to recover control of her colonies, stated the following propositions:

"1. We conceive the recovery of the colonies by Spain to be hopeless.

* * * * * * *

"4. We aim not at the possession of any portion of them ourselves.

"5. We could not see any portion of them transferred to any other power with indifference. * * *

"If there be any European power which cherishes other projects, which looks to a forcible enterprise for reducing the colonies to subjugation, on behalf of or in the name of Spain, or which meditates the acquisition of any part of them to itself by cession or by conquest, such a declaration on the part of your Government and ours would be at once the most effectual and the least offensive mode of intimating our joint disapprobation of such projects."

The first positive pronouncement, from which has grown in the lapse of fruitful years the great body of precept and precedent which is to-day called the Monroe doctrine, is found in President Monroe's annual message of 1823, in which he stated that—

"The occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subject for future colonization by any European powers."

This statement was designed as a politic declaration, made to fit a specific "occasion," namely, the claim of Russia, under the ukase of 1821, to exclude all alien commerce and industry from the coasts and waters of northwestern America down to the fifty-first parallel. John Quincy Adams, then Secretary of State, resisted this avid claim on the ground that no Russian settlement existed on the territory, to which the United States laid equal claim; and on July 17, 1823, more than five months before President Monroe's message, Mr. Adams gave notice to the Russian envoy to the effect that the flaw in the Russian contention could not be cured by making settlements, as an afterthought, to prop up an unjustified claim of title. What Mr. Adams said was—

"that we [the United States] should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments."

It was this categorical declaration that Monroe embodied in his message, with the verbal change that the original "settlements," which under Mr. Adams's pen became "territorial establishments" and "colonial establishments," was altered to "future colonization.' Thus amended, the Adams caveat, directed specifically at the Russian claim, became in time merged in the Monroe doctrine proper and, a generation later, played its part in the negotiation of the Central American and Clayton-Bulwer treaties with Great Britain as a question of fact, resting on the assertion that the continent was "occupied by civilized independent nations" and was "accessible to Europeans and each other on that footing alone."

The Monroe doctrine proper, as enunciated in a different part of the celebrated message of 1823, was much more far-reaching. It was called forth by the menace of a combination of European powers with the purpose of interference in the political affairs of the recently enfranchised American Republics, whose sovereign existence had been acknowledged by the United States but not then by Europe. This movement, an outgrowth of the Holy Alliance of 1815 and originally confined to Europe as a league for protecting the principle of legitimacy as against revolution, for upholding the divine right of kings as opposed to the rights of the people, was extended, in the summer of 1823, to embrace intervention, in behalf of Spanish sovereignty, in America. France proposed to Great Britain that when the allies should have accomplished their task of restoring the Spanish throne they should propose a congress with the view to the termination of the revolutionary governments in Spanish-America; but England looked upon this proposal with disfavor, and Canning, late in the summer of 1823, sounded the United States as to the possibility of the two Governments taking a joint position against interference by the allies in Latin America. The opinion of Jefferson that—

"Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs"—

was echoed by Monroe's advisers. The suggestion of joint action with Great Britain was not favored, but the coincidence of British policy with our own was not unwelcome. England, indeed, took the initiative in October, 1823, by declaring that, while neutral as to the contest between Spain and her American colonies, the "junction" of any foreign power with Spain against the colonies would be viewed as constituting "entirely a new question upon which Great Britain must take such decision as her interests required." The Canning declaration was potential and was soon rendered specifically effective by the utterance of Monroe; the fact that the two great maritime powers were moving in parallels toward the enunciation of a vital principle made impracticable the accomplishment of any project of American interference by the allies, and they were not slow to realize the force of Monroe's announcements when he said:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States."

Like all general formulations of great principles the Monroe document has required interpretation and construction to apply its precepts to special cases.

It was understood at the outset by the newly enfranchised Latin-American States as a defensive movement in their favor rather than as a step taken by the United States in its own interest and for its own self-defense. In 1825 the southern republics proposed to convene a congress at Panama to form an alliance of all the independent American States for self-defense and to settle some principle of public law to govern their relation with each other. One of the measures scheduled for discussion was:

"To take into consideration the means of making effectual the declaration of the President of the United States respecting any ulterior design of a foreign power to colonize any portion of this continent, and also the means of resisting all interference from abroad with the domestic concerns of the American Governments."

It thus appears that the Spanish-American States understood the Monroe doctrine to import a definite pledge by the United Sates to them of mutual support in its maintenance and to involve joining with them in some kind of specific alliance, offensive and defensive, for that purpose. The Senate responded to the proposal for a congress by confirming two commissioners, for whose expenses the Congress appropriated means; but one of them died, the other reached Panama too late to take part in the first session, and no second session was ever held.

In 1848 President Polk saw occasion for an expansive construction of the Monroe doctrine. An Indian rising in Yucatan led the local authorities to offer their dominion and sovereignty to the United States, and, perhaps on the principle of having more than one string to their bow, to make a like offer to England and Spain. Commenting on this offer, Mr. Polk said:

"According to our established policy, we could not consent to a transfer of this 'dominion and sovereignty' to either Spain, Great Britain, or any other European power. In the language of President Monroe, in his message of December, 1823, 'we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.'"

In this message Polk practically repeated what he had said in 1845 in connection with the Oregon boundary question and the annexation of Texas, when he deemed—

"that it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American Continent."

Thus President Polk merged the "noncolonization" declaration of Mr. Adams in the case of the Russian claim with the true Monroe doctrine of political noninterference.

This combined doctrine found early application in the case of Cuba. As early as in President Jackson's time it was intimated by us to Spain "that if she would not cede Cuba to any European power we would assist her in maintaining possession of it." As Secretary of State, Daniel Webster took occasion to revive this phase of the broadened doctrine by serving notice, in 1851, upon Great Britain, in view of a proposed tripartite engagement between France, Great Britain, and Spain to guarantee the Spanish retention of Cuba, that—

"it has always been declared to Spain that the Government of the United States could not be expected to acquiesce in the cession of Cuba to an European power."

Thenceforth, through the period of the Ostend manifesto and the time when Mr. Marcy was Secretary of State, and Cuban annexation to the United States was discussed, Cuba passed on to independence and finally to its present position of great potential well being, securely bulwarked, by definite stipulations, from ever again becoming an issue under the Monroe doctrine. To-day no great liveliness of imagination is needed to conjecture, in retrospect, whither the Pearl of the Antilles might have drifted but for the part taken by the United States in securing Cuba to the Cubans.

The Monroe doctrine also came perilously near being brought into direct play when, during our Civil War, Spain made an attempt to regain Santo Domingo through an illegal arrangement with its President for the time being. The scheme was abortive, but the causes which prompted it survived, and the Dominican Republic continued to suffer from impotent misrule, financial default, and civil perturbation. Conspicuously an easy prey to any aggression from abroad, it sought the formal protection of the United States, which was declined. It then voluntarily sought annexation, which was accepted, and a treaty to that end was negotiated but never consummated. In sending the treaty to the Senate, President Grant said:

"The doctrine promulgated by President Monroe has been adhered to by all political parties, and I now deem it proper to assert the equally important principle that hereafter no territory on this continent shall be regarded as subject of transfer to a European power. * * *

"The acquisition of San Domingo is an adherence to the 'Monroe doctrine'; it is a measure of national protection."

We thus see President Grant ready to agree to annexation if the alternative bid fair to be the stultification of our long-asserted right and duty of self-preservation against adverse influences being set up through un-American domination at our doors.

To illustrate how the self-preservation features of the Monroe doctrine have been espoused and lived up to by all of our national administrations, whatever their party allegiance or political creed, as well as to show the asssociation between the instinct of self-preservation and the idea of aiding our neighbors to guard themselves against invasive alien influences from which, in the end, we ourselves should suffer, the Venezuelan episode of 1895 may be pertinently cited. On its face, the issue between Venezuela and Great Britain was merely one of determining an undefined boundary line; in its essence it appeared to involve the setting up of expanded colonial domination by Great Britain over a large part of the historical terrritory of Venezuela. The dispute lasted nearly half a century. Mr. Evarts, Mr. Frelinghuysen, and Mr. Bayard successively urged upon Great Britain the acceptance of the arbitration asked by Venezuela. Mr. Blaine followed in 1889, after Barima, at the mouth of the Orinoco, had been proclaimed a British port. When Mr. Cleveland assumed office Mr. Olney renewed the appeal for arbitration with the alternative of conventional agreement upon a definite boundary. In February, 1895, Congress, by joint resolution, approved the President's recommendation of arbitration. On July 20, 1895, Mr. Olney addressed to Ambassador Bayard an instruction which has become one of the famous papers of our diplomatic annals. He asserted that the right of one nation to intervene in a controversy to which other nations are directly parties may be availed of "whenever what is done or proposed by any of the parties primarily concerned is a serious and direct menace to its own integrity, tranquillity, or welfare."

He elaborately analyzed the history and scope of the doctrine of Monroe, especially dwelling upon its noncolonization declaration, deducing "that the Venezuelan boundary dispute is in any view far within the scope and spirit of the rule as uniformly accepted and acted upon." He was careful not to link himself to the cause of either disputant. To quote only very briefly, he said that the United States "being entitled to resent and resist any sequestration of Venezuelan soil by Great Britain, it is necessarily entitled to know whether such sequestration has occurred or is now going on."

Mr. Olney's conclusion was that it appeared to be the unmistakable and imperative duty of the President to ask "for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration."

The dispute was eventually and happily ended by arbitration.

It was at this period of the development of the doctrine and in this very controversy that a new suggestion was made, in negative form, to the effect that if the Government of the United States had the rights which it claimed, it must take them *cum onere* and so assume certain obligations and responsibilities. This was indicated by Lord Salisbury in answer to Mr. Olney's able presentation of the doctrine in the statement that—

"It is admitted that he [President Monroe] did not seek to assert a protectorate over Mexico or the States of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these States, and consequently the responsibility of controlling it. * * * It follows of necessity that if the Government of the United States will not control the conduct of these communities, neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty toward other nations."

In this relation I am disposed to emphasize the fact that our course in the Venezuelan incident, apart from obeying the instinct of self-preservation, was distinctly and mainly responsive to the appeal of Venezuela and in the direction of lending a helpful hand to a suffering neighbor to enable a just determination of her asserted claim of right. So far as Venezuela was concerned we imposed no burden upon that then feeble State; we simply assisted it to throw off a burden. It was surely zeal in the defense of a sister Republic and unaffected consciousness that our power was for beneficent use which called from Mr. Olney these vigorous words:

"To-day the United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition."

The spirit behind these words contemplated, I am sure, no arbitrary exercise of sheer power, but a determined zeal in magnanimous consideration for the rights of other American Republics, a sincere sympathy with them in their trials, an insistence upon the right, that good might come to them and that our own vital interests should not be menaced.

It goes almost without saying that, from aiding an embarrassed neighbor in doing the right, or in defending a right, to assuming vicarious responsibility for his wrongdoing, is a far cry. Between these two extremes, as between all extremes, there lies a median zone where they touch or even overlap. That is the case when the question arises how far, in a given situation, this nation may go in helping another American people to avert any injurious consequences of wrongdoing.

In principle it is not the duty of the United States to prevent a foreign state from seeking redress, or to shoulder the wrong and assume its redress ourselves. But it is equally obvious that the measures to which a foreign state might ordinarily resort to enforce its claim might amount to political interference in the affairs of the American continents, as by occupation and administration of territory, or like extreme coercive steps. That is a contingency which the tenets of the doctrine, joined to the dictates of common prudence, authorize and counsel us to avert by all proper means, in fulfillment of a responsibility we owe to ourselves, even if not in the discharge of any conventional or moral obligation.

The point was well considered in President Roosevelt's annual message of 1905. He examined it in its tortious and contractual aspects. As to the former, he said:

"If a republic to the south of us commits a tort against a foreign nation, such as an outrage against a citizen of that nation, then the Monroe doctrine does not force us to interfere to prevent punishment of the tort, save to see that the punishment does not assume the form of territorial occupation in any shape."

As to the latter aspect, he said:

"On the one hand, this country would certainly decline to go to war to prevent a foreign government from collecting a just debt; on the other hand, it is very inadvisable to permit any foreign power to take possession, even temporarily, of the customhouses of an American Republic in order to enforce the payment of its obligations; for such temporary occupation might turn into a permanent occupation."

And upon both propositions he reached the conclusion that—

"The only escape from these alternatives may at any time be that we must ourselves undertake to bring about some arrangement by which so much as possible of a just obligation shall be paid. It is far better that this country should put through such an arrangement, rather than allow any foreign country to undertake it."

My distinguished predecessor, Mr. Root, voiced the same views in a speech made in 1904 at the annual dinner of the New England Society:

"And if we are to maintain this doctrine [the declaration of Monroe], which is vital to our national life and safety, at the same time when we say to the other powers of the world, 'You shall not push your remedies for wrong against these republics to the point of occupying their territory,' we are bound to say that whenever the wrong can not be otherwise redressed we ourselves will see that it is redressed."

These, gentlemen, constitute the more important announcements, with the elements involved therein, which have been made during our past history, and whatever particular phase of the Monroe doctrine you may choose to emphasize, it appears to me evident that there is one certain deduction from the premises, and that is that the best way to avoid the difficulties occasionally arising out of any responsibilities which this doctrine in certan of its aspects may seem to impose is to assist the less fortunate American Republics in conducting their own affairs in such a way that those difficulties should not be liable to arise. The most effective way to escape the logical consequences of the Monroe doctrine is to help them to help themselves. Assuming the correctness of Mr. Root's corollary, it is our duty, to ourselves and to them, to cooperate in preventing, where possible, specific conditions where we might have to become in too great a measure accountable. We diminish our responsibilities in proportion as we bring about improved conditions. Like an insurance risk, our risk decreases as the conditions to which it pertains are improved.

I most confidently assert that, under the Monroe doctrine in its ultimate analysis, the heaviest and most matter-of-fact responsibility that to-day rests upon the United States is that we should respond to the needs still felt by some few of our Latin-American neighbors in their progress toward good government, by assisting them to meet their just obligations and to keep out of trouble. We wish to see them prosper, and their prosperity, by reflex action, is felt not only by us but by all the members of the American family.

The proposition is not novel; it has been practically wrought into shape and proved successful in the experimental case of Santo Domingo, which, as we have seen, had begun to cause us concern so long ago as the time of our Civil War. The success of the Dominican arrangement has been so brilliant that I mention it at some length as the best possible guaranty of the good effects to be expected from the Nicaragua and Honduras conventions, which are similar in principle but necessitate an even less direct interposition on the part of the United States.

In 1904 the Dominican Republic presented a situation which threatened to lead to the gravest consequences so far as the United States was concerned. For years the country had been torn by internal dissension and revolutions until the instability of the so-called Government had become a byword and the credit of the nation had been reduced to such a condition that usurious rates of interest were demanded and obtained by those who were willing to furnish the tottering Republic with funds. It was also customary for the lenders of money to demand as security for the payment of interest and principal the hypothecation of the revenues of the various seaports of the country until at length the Dominican people found themselves in a position where practically the revenues of every port in the Republic were pledged for the payment of debts. There were no funds left wherewith to maintain the Government, the total revenues from imports and exports had for years been insufficient to meet even the interest on the outstanding indebtedness, and the people of the island had been brought face to face with national bankruptcy.

In this posture of affairs the creditors of the nation, who were for the greater part Europeans, had become clamorous for the payment of arrears of interest and for the enforcement of the pledges of the revenues of the various ports of the country, which pledges it had been found necessary to violate if funds were to be had for the General Government. Protocols of the settlement of the various debts had been signed with Germany, Spain, and Italy two years previously with the terms of which it had been impossible for the Dominican Republic to comply, and the creditors had decided to invoke the aid of their Governments in the collection of what they claimed to be their due. An Italian warship was actually dispatched to Dominican waters for the enforcement of the agreements with Italian subjects. The Monroe doctrine, indeed, seemed menaced and the Dominican Government appealed to the Government of the United States for assistance in its extremity.

This appeal for assistance led, as you know, to a plan of adjustment whereby the customhouses of the Republic were to be placed in the hands of American officials and a portion of the receipts thereof was to be held on deposit in New York for the benefit of all creditors alike. It is also a matter of history that subsequently an equitable adjustment was had with the creditors, the debt was refunded, and a convention between this Government and that of the Dominican Republic was negotiated whereby the collection and administration of the customs revenues of the Republic were placed in the hands of American officials, who were to receive from the United States "such protection as it may find to be requisite. * * *" An adequate provision for the service of the debt was made, and a new order of things thus began and has continued ever since.

The result of the operations of this arrangement has been that the creditors now punctually receive their interest, and there is at present turned over to the Dominican Government for the purposes of defraying its current expenses an amount far in excess of what the total revenues of the Republic had previously been. Since the American management of the customs has existed it has been found possible to reduce the import tariff by approximately one-half, notwithstanding which the import duties have increased from $1,800,000 in 1904 to over $3,300,000 in 1911, while the total foreign trade of the Republic has grown from about $6,000,000 to over $17,000,000 in the same period, and the annual harvest of revolutions is no longer gathered, and military expenses which formerly depleted the treasury have been reduced to a minimum.

The problem presented by affairs in the Dominican Republic in 1904 has now become a reality in Honduras and Nicaragua, and those Republics have sought the interposition of the United States.

The situation is, briefly, this:

Practically from the outset the Republics of Central America, especially Honduras and Nicaragua, have been often torn with internal dissension and overrun with revolutions. In Honduras and Nicaragua these ills are still prevalent. Beset with strife these less fortunate Republics, although endowed by Providence with vast natural resources, have never been permitted to progress toward a normal and economic development. Early in their existence as independent States they found their treasuries depleted and their resources squandered in futile attempts to suppress internal disorder, and as a natural result they have been continuously compelled to borrow at exorbitant rates of interest from those willing to incur the disproportionate risk of lending them the moneys necessary for the temporary conduct of government, with the result that they now find themselves hopelessly entangled in the mesh of enormous and rapidly increasing national indebtedness. Their revenues have never been properly applied so as to meet the ever-increasing demands of their national creditors.

Because of the difficulty of communication in these countries the customhouses have ever been the objective point of the revolutionists and successive contests for their control have marked the national existence. Once having lost control of the customhouses and the revenues derived therefrom, the constituted authorities have found themselves confronted with a lack of funds and have ultimately been deprived of the means necessary to defend the capitals.

Control of the customhouses once obtained, it becomes necessary for the successful revolutionists to expend enormous sums, practically the entire national revenue, in the maintenance of an army adequate to continue them in control. Under such circumstances the payment of the interest on the national debt has been out of the question, and such governments fall into a state of hopeless default which deprives them of any further foreign credit.

Honduras and Nicaragua alike occupy a central position stretching from the Caribbean to the Pacific and separating the other Central American Republics. In Central America there are many rivalries as between the heads of the five Republics, but there has seldom been an open breach between them which has resulted in an international war. Rather than seek a direct means of redressing their grievances it has been found far more effective and less dangerous than open hostility for the president seeking to injure his neighbor to institute and set on foot a revolution of political malcontents against the government. For years the revolutions and internal commotions of several of these Republics have been caused by their neighbors who have taken advantage of their position to harbor political refugees from their neighbors and aid or permit them to foster a hostile movement against their native republic, which is fomented in security without the borders of the country at whose government it is aimed, and which is then permitted to cross the international line at some convenient location, thence to contend for supremacy.

Honduras, because it borders on three of the other Republics, Guatemala, Salvador, and Nicaragua, has for years been the hotbed of most of the internal disturbances of its neighbors, and in fact has been the cockpit of Central America. So great has been the abuse of the undefended central position occupied by Honduras that as long ago as 1907 all the Republics of Central America joined in a peace conference and signed at Washington, under our auspices, a convention one article of which had for an object the neutralization of the territory of that Republic so as to prevent its further use as a center of disturbance.

Under such conditions the Republics of Honduras and Nicaragua came to seek the counsel and assistance of the United States.

Provided the enormous waste on military establishments could be checked, the customs revenues of both these countries, properly administered, should be ample to meet the interest and sinking fund on their just national obligations, and it is in order to establish a system for the accomplishment of this end that the present conventions have been framed.

It may be asked, What are the provisions of the two practically identical treaties as drawn for the purpose of curing the evils of the situation as already set forth?

The preambles of the two conventions point to the recognized and urgent necessity, in each case, of laying the foundation for more effective helpfulness on the part of the United States in assisting the Republics of Nicaragua and Honduras to the rehabilitation of their respective finances and in thus making possible the maintenance of peace and prosperity in the two countries, and they recite the fact that the active aid of this Government has been requested to this end. Then follow the four articles of the conventions. These include some eight points and I shall try briefly to epitomize them, roughly indicating the objects of the different provisions.

In order to avoid the danger of further embarrassment with foreign creditors, the conventions provide (first) that a loan shall be placed in the United States; in order to provide that the bankers' contracts, which it will be necessary to negotiate to work out the details of their financial problems, may be equitable and just, and also that they may be properly executed, it is provided (second) that the signatory governments shall take due note of the terms and shall consult in case of any difficulties. That the loan may be properly secured, the conventions stipulate (third) that the customs duties shall be pledged; that this security may be adequate and may not be interfered with, it is agreed (fourth) that the customs duties shall not be changed without the consent of the Government of the United States. To assure the proper collection and administration of the customs by a competent person, it is provided (fifth) that a receiver general of customs shall be appointed by the Government of the country concerned from a list of names prepared by the fiscal agent of the contemplated loan and approved by the President of the United States. To insure the proper discharge of the duties of the receiver general of customs, it is agreed (sixth) that he shall be under obligation to report annually, and upon request, to both parties to the conventions. In order that he may effectively, conscientiously, and independently perform his functions, and to prevent customs houses continuing to be the goal of revolutionists, it is stipulated (seventh) that the Government of the country concerned will protect him and (eighth) that the Government of the United States shall afford him such protection as it may deem requisite, there being thus obtained just so much assurance of stable conditions and proper customs collections as will enable Nicaragua and Honduras to borrow the money necessary to rehabilitate their national finances at anything like a reasonable rate of interest.

I wish to call especial attention to the fact that in the Dominican Republic just this potential safeguard, unexercised and without any undue interference on the part of the United States, has cured almost century-old evils, and to ask you to judge these conventions in the light of the plain facts.

There has been a good deal of confusion of ideas in regard to the relation of the conventions to banking arrangements for the rehabilitation of Honduran and Nicaraguan finances. The conventions themselves are quite separate from any bankers' contracts. They may be ratified and put in force as between the Governments concerned, but they remain purely potential unless and until bankers' contracts are negotiated which are deemed acceptable by both Governments, and, in the case of the Governments of Nicaragua and Honduras, which would be direct parties to the contracts, approved by their legislative assemblies. The sole desire of the Department of State has been that Nicaragua and Honduras make the best contracts that are possible under the conditions, and it is gratifying that American bankers have been able to undertake the business.

The Government of Nicaragua has already approved the convention and, to relieve its urgent and pressing necessities, has placed a preliminary loan in the United States and engaged American citizens—one as financial adviser, two as claims commissioners, one as collector general of customs, and one as assistant collector general of customs—and in this way has laid a foundation for its financial regeneration. This, however, is merely a temporary expedient, and what has been done must be lost and the bright prospect destroyed unless the convention, upon which the future important and permanent improvements depend, is ratified by the United States.

If these conventions are put into operation, what has happened in the Dominican Republic will be repeated in the Republics of Nicaragua and Honduras, which are the key to the peace of the whole of Central America, and within a few years the revolutions which keep these countries in a state of constant unrest will be eliminated; the neutrality of Honduras and Nicaragua in Central American affairs will become an accomplished fact; and the peace of the rest of Central America will be immensely strengthened.

These conventions, as I have said, are not a new experiment; in principle they have been tried, and it has been found that they produce results beneficial to the debtor and creditor alike. Instead of producing foreign entanglements, they have precisely the opposite effect, because they do away with the present discontent and clamor of foreign creditors, because they insure prosperity, and because they make for peace.

Alone, these countries find it impossible to extricate themselves from the thraldom of civil strife, and they quite naturally look to their more prosperous and powerful neighbor for aid and guidance. Shall we refuse it any more than we refused to heed the cry of Cuba or that of the Dominican Republic?

With the Monroe doctrine as a tenet of our national faith, can we refuse to these Republics that measure of assistance which will render their Governments stable and keep them from foreign interference? These are the questions involved in these treaties which are now pending before the United States Senate.

The adoption of the present conventions is counseled not only by the humanitarian motive of preventing useless bloodshed (hundreds of lives having already been saved by the Dominican arrangement) and by the ever-increasing important political reason of avoiding the danger of European entanglement in the affairs of the countries surrounding the Caribbean, but is also more than justified from a purely material standpoint. In 1909 the total foreign trade of the Central American States, including Panama, amounted to approximately $60,000,000, of which about one-half was with the United States. When we consider that the total commerce between Mexico and the United States is in the neighborhood of $117,000,000 we can realize in some degree the trade possibilities with the Isthmian Republics, especially if it be understood that under the arrangement between the United States and the Dominican Republic the trade with that country has increased since 1903 (prior to the installation of American officials in the customhouses), when it was somewhat over $4,000,000, to about $11,500,000 for the year 1910, and that the share of the United States in the total foreign commerce of the Dominican Republic has materially increased in the same period.

Several of the Republics of South America have grown great and powerful and enjoy the highest culture, fine political ideals, and stable Governments. These Republics, indeed, are, consciously or unconsciously, fellow sponsors with the United States of the Monroe doctrine as a Pan American idea as well as an American policy. The growth of such nations lightens our responsibility. The logic of political geography and of strategy, and now our tremendous national interest created by the Panama Canal, make the safety, the peace, and the prosperity of Central America and the zone of the Caribbean of paramount interest to the Government of the United States. Thus the malady of revolutions and financial collapse is most acute precisely in the region where it is most dangerous to us. It is here that we seek to apply a remedy.

It would not be sane to uphold a great policy like the Monroe doctrine and to repudiate its necessary corollaries and neglect the sensible measures which reason dictates as its safeguards.

As practical measures of peace, as wise measures of polity, as useful instrumentalities for commercial expansion, I firmly believe that the Nicaragua and Honduras conventions will commend themselves to all thoughtful American citizens.

File No. 817.51/294.

The Secretary of State to the American Chargé d'Affaires.

Department of State,
Washington, January 24, 1912.

Sir: The Department has received your No. 161, of the 30th ultimo, transmitting a copy of the decree authorizing the financial arrangement between Messrs. Brown Brothers and Company and Messrs. J. and W. Seligman and Company, agents for the Republic of Nicaragua, and the Ethelburga Syndicate, Limited, of London.

Copies of your despatch and its encloseure have been sent to Mr. Ernest H. Wands.

I am [etc.] P. C. Knox.

File No. 817.51/322.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, February 4, 1912.

I have a letter from the President of Nicaragua in which he says:

> A crisis even graver than the present one may result from a delay of several days in insuring a fixed rate of exchange for our paper currency. This would force many into bankruptcy, cause general misfortune and perhaps be irremediable by later legislation.

Memorials to the same effect are being received from leading business men, who complain that the bankers parties to the contract should have begun the monetary reform last November; that since December the Government has relinquished the customs receipts and allowed the interest on the loan since October, without a single dollar being received.

Two difficulties stand in the way of the currency plan, I am told by the currency experts. The first, that it would require $500,000 to reduce the rate of exchange by retiring the paper currency put into circulation since Wands' report. The second, that as long as a currency plan might fail because of Nicaragua's bankruptcy, the experts are against recommending one.

Heavy outgo for paying revolutionary claims and cessation of collections of customs duties by the Government have caused a deficit in the Nicaraguan budget.

The Government has therefore requested the bankers to advance the additional $500,000 under the temporary loan contract, and to allow it about $25,000 monthly from customs receipts for a short time, to tide over the crisis. The only security for such an advance would be a mortgage on the Pacific Railroad, subject to a possible prior lien.

The President of the Assembly tells me the Assembly would enact currency laws if there is not too long a delay.

I suggest that the serious nature of the crisis be urged upon the bankers.

WEITZEL.

File No. 817.51/322.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 8, 1912.

On February 7, it is understood, the bankers sent a new proposal which they hope will be acceptable and will remove the difficulties mentioned in your telegram of February 4.

KNOX.

File No. 817.51/369.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, February 14, 1912.

The Nicaraguan Government and the bankers are about to conclude an agreement satisfactory to both regarding the prompt execution of plans for the currency and banking operations, the bankers to make an additonal loan of $500,000, and also to pay monthly $30,000 from the customs receipts, the bankers receiving, among other things, an option to purchase 51% of the Lake steamers and of the Pacific Railroad, now operated by the Nicaraguan Government. In the opinion of the currency experts, this option includes the franchise to operate steamers from Managua to Greytown. The exercise of this option when possible, and the canalization of the existing waterway—which with the Pacific Railroad would form a transcontinental line—have been recommended to the bankers by Mr. Harrison. According to present plans, I am informed, the new contract when authorized by the National Assembly will be signed by Castrillo in the United States under a power of attorney.

WEITZEL.

File No. 817.51/384.

The American Minister to the Secretary of State.

No. 6.]

AMERICAN LEGATION,
Managua, February 14, 1912.

SIR: I have the honor to report that the Department's informal course in the matter of expediting the installation of the currency and banking plan of Nicaragua, referred to in my telegram of February 4, has had a most beneficial effect on the economic situation in Nicaragua and has likewise served indirectly to tranquilize and strengthen the political condition.

When President Díaz requested my good offices in bringing the seriousness of the matter to the attention of the New York bankers concerned, I informed him that the Legation did not wish to take any official part in the business negotiations between the Nicaraguan Government and Brown Brothers et al. I had in mind the advisability not only of refraining from any action until absolutely necessary, but also of not seeming to encourage the Nicaraguan Administration in the idea that it might be as improvident as it chose and then could call on the Legation to extricate it from its difficulties. I was convinced, however, in this particular case that the situation was critical and only prompt action would save it, as there was a sort of impasse between the Government and the currency experts, the latter being unwilling to risk their reputation on a plan of monetary reform which might fail by reason of the country's bankruptcy, and the former insisting that the announcement of a currency plan was necessary to prevent bankruptcy.

After Brown Brothers had submitted the conditions of an additional loan, as mentioned in your telegram of February 8, President Díaz and the Minister of Finance again requested my opinion in the matter submitting a counter offer stating that the Government needed cash to pay its most pressing obligations and that the proposal for the option to purchase the Pacific railroad would meet with opposition and might be rejected by the Assembly for political or other reasons.

With reference to the Railroad they were prepared to give an option for the purchase of 51 per cent, retaining the balance, and this seemed to me to be a satisfactory compromise, and possibly of even greater advantage to the bankers than the original proposition because it would ensure friendly action in the future by the Government in the matter of the railroad.

In regard to the increase of monthly allowance from the customs I intimated that a request therefor would come with better grace if accompanied by the suggestion that authority would be given for the payment of the expenses of the Claims Commission and the salaries of the excise commissioner and the police inspector from said allowance directly by the Collector General of Customs without going through the Minister of Finance. This idea was accepted and the counter proposal was sent to the bankers' representatives, who in turn transmitted it to their principals.

Yesterday afternoon the experts, Messrs. Harrison and Conant, informed me that they had received a reply from Brown Brothers and they believed an agreement satisfactory to both sides would be reached, provided that the Nicaraguan Administration could secure the necessary legislation from the National Assembly including a provision in the law to be enacted that all remaining claims and the so-called "vales" issued by the Minister of Finance shall be adjudicated by the Claims Commission. This condition seems not only reasonable but absolutely necessary if the Commission plan is to work out successfully.

In regard to the new tentative agreement there is one point in particular to which I respectfully call the Department's attention. It will be noted that in the proposal providing that the bankers shall have an option to purchase the Pacific railroad it is also stated that the lake steamers owned and operated by the Nicaraguan Government shall be included. Both the currency experts interpret this clause to mean that Brown Brothers will on the exercise of the option acquire a franchise to navigate the lakes and San Juan River, and Mr. Harrison, the English expert, has therefore recommended to Brown Brothers that they should forego their concession for a railroad from the Atlantic to Lake Nicaragua and instead thereof canalize the San Juan and Tipitapa Rivers thus making an all-water route from Greytown to Managua to be operated in combination with the existing Pacific railroad thereby affording transcontinental transportation.

It seems to me very doubtful if the sale of the whole or a half interest in the lake steamers carries more than a transfer of title of the physical property, but whether so or not, the Department may wish to give the matter careful study and especially consider the effect of the transaction on any treaty which the Government of the

United States might wish in the future to negotiate with Nicaragua relative to canal route across this Republic.

I have [etc.]

George T. Weitzel.

File No. 817.51/375.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, February 26, 1912.

In reference to your allusion to a canal project in your February 14, the bankers have expressed their wish to know if there is any objection to inclusion of that project in their new proposals to Nicaragua. Department replied February 24 that there was none, provided that the loan contract contain the specification that there shall be no alienation to any foreign company or government except with the consent of this Government, and provided further that no transisthmian route shall be established without the advice and consent of this Government.

The bankers advise the Department that their representatives will be directed to drop the matter for the present if either the concession itself or the insertion of the foregoing provisos in the loan contract would endanger the latter.

Wilson.

File No. 817.51/376.

The Acting Secretary of State to the American Minister.

Department of State,
Washington, March 11, 1912.

Sir: I enclose herewith for your information a copy of a joint letter of Messrs. Brown Brothers and Company and Messrs. J. and W. Seligman and Company, transmitting correspondence with Messrs. F. C. Harrison and Charles A. Conant, in regard to a proposed loan to Nicaragua by the Brown and Seligman companies, and the railway and canal projects which are being considered in connection therewith.

I am [etc.]

Huntington Wilson.

[Inclosure.]

Brown Brothers and Company and J. and W. Seligman and Company to the Secretary of State.

New York, *February 21, 1912.*

Sir: We beg to refer to our letter of November 2, 1911, informing you of our temporary loan of $1,500,000 to the Republic of Nicaragua. The purpose of that loan was to enable the Government to withdraw from circulation its depreciated paper currency, to substitute therefor a stable currency and to establish a government bank. We were assured, at the time, that the paper currency outstanding represented a total of 32,000,000 "pesos," and the amount of the temporary loan was made upon that basis.

In accordance with the loan contract, a copy of which accompanied our letter to you of November 2nd, Messrs. F. C. Harrison and Charles A. Conant, currency experts, went to Nicaragua to study currency conditions and to prepare a plan for introducing and maintaining a stable currency system. Upon their arrival in Managua, Messrs. Harrison and Conant ascertained that, since the visit to that country of Mr. Ernest H. Wands in March of 1911, the Government had issued additional currency amounting to 16,000,000 pesos and that the outstanding circulation, instead of being 32,000,000 pesos as we supposed, was in reality 48,000,000 pesos. It soon became apparent that the $1,500,000 which Nicaragua had borrowed from us would be insufficient to meet the situation. Messrs. Harrison and Conant also reported to us that the Government was in immediate need of funds for its current expenses. We thus found ourselves face to face with a situation which had been forced upon us, and much against our will we took up negotiations with the Government for the purpose of helping it out of its embarrassments. As a result of such negotiations, we have offered to make further temporary loans not exceeding $755,000, to be secured by certain revenues and properties of the Government. In consideration of the loans thus to be made, the Government has offered us an option for the purchase of a 51 per cent interest in its railway and steamship lines; these lines it proposes to transfer to an American railway corporation which shall receive a concession substantially similar to the railway concession "Schedule D," annexed to the "Treasury Bills Agreement" of September 1, 1911, a copy of which is on file in the Department.

No agreement has as yet been signed for the new loans, but the terms upon which these are to be made are fully set forth in a proposed Act of the Nicaraguan Constitutional Assembly, a copy if which is embodied in a cablegram to Messrs. Harrison and Conant dated February 16th last. We enclose, for your information, copy of translation of that cablegram[1] into English.

As further bearing upon the subject, we also enclose copy of the translation of another cablegram to Messrs. Harrison and Conant, dated February 20th.[1]

One feature of the proposed concession is in the improvement of the San Juan River and in the construction of small canals suitable for barges to connect the two Great Lakes of Nicaragua with each other and also to connect the San Juan river with the Atlantic ocean. The suggestion as to these provisions emanated from the Government of Nicaragua, and the purpose of such provisions is thus explained by Messrs. Harrison and Conant, who in a cablegram addressed to us say substantially as follows:

"Your railway (referring to the railway which it is suggested we shall help the Government to build and which it is intended shall connect Lake Nicaragua with Rama, near the Atlantic Coast) ends either on the Great Lake or at Managua. In the first case you are at the mercy of a lake system; in the second case you are entangled in through rates. If you can control the present railways and steamers you can command the Pacific and Atlantic traffic, and until the Panama Canal is opened up you will be placed in a strong position for Pacific, Honduras and Salvador business and can probably retain the traffic once gained. The engineer who managed the lake steamers for years was with both Canal Commission surveys and has estimated that the cost of connecting the lake and the river San Juan fit for seagoing barges of five-foot draft will be somewhere between two and three million dollars. If this estimate should be corroborated by a competent engineer, the highest cost would presumably be less than the Rama route."

We do not know whether the above views are sound, and we have as yet formed no opinion as to the value or desirability of such a system as is suggested. As, however, our acceptance of the security and of the option in no way commits us to take action in the premises, we have seen no objection to the inclusion in the concession of the special features referred to.

Very respectfully yours,

BROWN BROTHERS AND COMPANY.
J. AND W. SELIGMAN AND COMPANY.

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[1] Not printed.

File No. 817.51/395.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, March 20, 1912.

The currency-plan and supplementary-loan bill, with the canal feature cut out, was passed yesterday by the Assembly, which ratified that action today.

The bankers' representatives now threaten not to accept the contract without insertion of a first option on canal construction if this is undertaken.

I strongly recommend urging bankers to accept amended contract, according to their understanding with the Department as per your February 26.

WEITZEL.

File No. 817.51/396.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, March 21, 1912.

DEAR MR. PRESIDENT: I am happy to be able to inform you that the Department has just received a telegram from Mr. Weitzel, American Minister to Nicaragua, to the effect that the Assembly of that country on the 19th instant passed, by a vote of twenty-two to three, the plan of currency reform, and also the bill providing for the supplementary loan of $725,000 from the American bankers; and that the following morning, on a motion to approve this action, the Assembly ratified the same, although the bill was slightly amended in a way unobjectionable to the bankers.

Mr. Weitzel has also sent a later telegram, which, paraphrased, reads as follows:

> March 20, 6 p. m. Nicaragua, by passing the legislation necessary for the monetary reform, has again demonstrated its good faith in requesting the friendly assistance of the United States in establishing its finances upon a firm basis, and in putting an end to the ruinous fluctuations of the Nicaraguan currency. The well-known currency expert, Mr. Charles A. Conant, after several months of earnest study of the monetary and financial situation in Nicaragua, has evolved what will undoubtedly prove to be a most satisfactory working plan for the much needed currency reform.
>
> The people of Nicaragua are now anxiously waiting the response of the United States to their call for aid, and they most earnestly hope that the Senate of the United States may approve the loan convention, and thus confer upon them the full benefits of the reorganization of their political and financial system, which during the seventeen years of arbitrary and corrupt government under Zelaya were plunged into disorder bordering on anarchy.
>
> Reforms just enacted by the Nicaraguan Assembly have the general support of all classes, with the exception of the few persons identified with the Zelaya régime, of the speculators and of the English and other foreign bankers who profit by their control of the internal loans.
>
> While there are still in Nicaragua professional revolutionists who might welcome a rejection of the treaty, Mr. Weitzel is led by his experience in Nicaragua to believe that the Nicaraguan people as a whole are honestly desirous of securing peace in order to develop their country, and to share in the benefits which will accrue to them by reason of their close proximity to the Panama Canal.

This is but one more proof that the people of Nicaragua not only approve but desire the loan convention, and would seem sufficient to refute effectively any statements to the contrary. I hope that the above information may be of use to you in your efforts to make clear the great urgency of immediate favorable action on the convention, and I am sure that you will be glad to hear not only of the action of the Nicaraguan Assembly, but also of the conclusions, fully concurred in by the Department, which Mr. Weitzel has drawn therefrom.

I have [etc.]

HUNTINGTON WILSON.

File No. 817.51/395.

The Acting Secretary of State to the American Minister.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 22, 1912.

Bankers have definitely instructed their representatives to drop canal feature.

WILSON.

File No. 817.51/418.

Brown Brothers and Company and J. and W. Seligman and Company to the Secretary of State.

NEW YORK, *April 2, 1912.*

SIR: Referring to our letter[1] to you of February 21st, 1912, in which we advised you of the negotiations then pending between the Republic of Nicaragua and ourselves, relating to certain supplemental loans to the Republic in addition to the temporary loan of $1,500,000, theretofore made by us,[2] we beg to state that as a result of these negotiations we entered into an agreement with the Republic on March 26th, 1912, by which we undertook to make further temporary loans to the Republic to an amount not exceeding $775,000. We beg to hand you herewith a copy of the agreement referred to.[1]

Respectfully yours,

BROWN BROTHERS AND COMPANY.
J. AND W. SELIGMAN AND COMPANY.

File No. 817.51/427.

The American Minister to the Secretary of State.

No. 17.]

AMERICAN LEGATION,
Managua, April 7, 1912.

SIR: I have the honor to enclose herewith three copies of the Official Gazette, dated March 30, 1912, containing Spanish text of the new currency law[1] enacted by the National Assembly of Nicaragua on March 20, 1912, as reported in my telegram of that date. I am also transmitting a copy of a letter[1] addressed to me by Mr. Conant, the currency expert, with its enclosure of the English text of said law as prepared by the bankers who have the loan and monetary matters in charge.

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[1] Not printed.

[2] See letter of November 2, 1911.

I have [etc.]

George T. Weitzel.

File No. 817.51/428.

The American Minister to the Secretary of State.

No. 18.]

American Legation,
Managua, April 7, 1912.

Sir: I have the honor to enclose herewith triplicate copies of the Official Gazette, dated March 29, 1912, containing Spanish text of the law enacted on March 20, 1912,[1] by the Nicaraguan National Assembly, authorizing an additional supplementary [loan?] of Brown Brothers and Company, and J. and W. Seligman and Company, of New York, as reported in my telegram of the latter mentioned date. No translation thereof has been made, as I am informed that the Department has already been furnished with the official English text prepared by the bankers.

I have [etc.]

George T. Weitzel.

File No. 817.51/451.

The American Minister to the Secretary of State.

No. 35.]

American Legation,
Managua, May 17, 1912.

Sir: Referring to my telegram of May 11, 11 a. m.,[1] I have the honor to enclose herewith a copy and translation of the measure[1] passed by the National Assembly authorizing the President of Nicaragua to make a settlement of the Ethelburga loan.

In that same connection I enclose a copy[1] of a telegram given to me by the President, the English text of which is probably already before the Department. It is dated May 12, 1912, addressed by Brown Brothers to their local representative, and contains the terms of the Ethelburga settlement, as reported in my telegram of May 14, 4 p. m.[1]

I have [etc.]

George T. Weitzel.

File No. 817.51/440.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Managua, May 22, 1912.

The Minister of Finance and the Nicaraguan member of the Mixed Claims Commission came to me today by the President's direction to urge the need for $900,000 gold at once to tide over the present crisis. Of this sum $650,000 are for "gold debts" payable without reference to Mixed Claims Commission; $200,000 for arrearages in salaries to employees who threaten a strike that would be serious; and $50,000 miscellaneous.

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[1] Not printed.

The proceeds of the Ethelburga settlement will not go to the Government, nor will it be granted any future loans until January.

I suggest three bases for discussion: (1) an advance to Nicaragua of proceeds of Ethelburga settlement; or (2) a new loan based on collection of the internal revenue under Dr. Thayer; or (3) the exercise of the option to purchase the Government railroad for $1,000,000 cash.

WEITZEL.

File No. 817.51/447.

Brown Brothers and Company and J. and W. Seligman and Company to the Secretary of State.

NEW YORK, *June 3rd, 1912.*

SIR: Referring to our letter [1] to you of December 13th last, we beg to say that owing to the failure of the Ethelburga Syndicate, Limited, to carry out the contract of December 9th, therein referred to, the same became inoperative some months ago. We have recently negotiated on behalf of Nicaragua new contracts on the same subject with the Corporation of Foreign Bondholders, and beg to hand you herewith for your information copies [1] of the following instruments:

(1) Contract dated May 25, 1912, between the Republic of Nicaragua and the Corporation of Foreign Bondholders, containing principally such portions of the proposed settlement as affect the holders of 1909 Bonds.

(2) Another contract, also dated May 25, 1912, between the Republic of Nicaragua and the Corporation of Foreign Bondholders, to the original of which a copy of the above contract (1) is annexed as "Schedule A."

(3) Letter dated May 25, 1912, from the Corporation of Foreign Bondholders to Brown Brothers and Co. and J. and W. Seligman and Co., representing the Republic of Nicaragua.

(4) Letter dated May 25, 1912, from the Republic of Nicaragua and Brown Brothers and Co. and J. and W. Seligman and Co. to the Corporation of Foreign Bondholders.

(5) Contract dated May 25, 1912, between the Republic of Nicaragua and Brown Brothers and Co. and J. and W. Seligman and Co., to the original of which Contracts (1) and (2) and of Letter (3) above mentioned, are annexed as "Schedules L, K and Y" respectively.

The above contracts were all expressly authorized by the Republic of Nicaragua.

Respectfully yours,

BROWN BROTHERS AND COMPANY.
J. AND W. SELIGMAN AND COMPANY.

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[1] Not printed.

File No. 817.51/450.

The Secretary of State to the American Minister.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 8, 1912.

Wands transmits from Paris the recommendation yesterday of the French bondholders' committee to accept plan for settlement of the 1909 loan question.

Similar action yesterday by the committee of the council of foreign bondholders of London.

Wands requests that Schoenrich be informed that the matter he referred to in letter of April 13 can probably be arranged.

At the Department yesterday Mallet-Prévost seemed hopeful of early relief for Nicaragua.

KNOX.

File No. 817.51/465.

The American Minister to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Managua, June 29, 1912.

The bankers' delay has compelled the Government of Nicaragua to make certain internal loans the conditions of which are improvident if not unconscionable.

WEITZEL.

File No. 817.51/487.

Brown Brothers and Company and J. W. Seligman and Company to the Secretary of State.

NEW YORK, *August 2, 1912.*

DEAR SIR: On behalf of the National Bank of Nicaragua, incorporated, we beg to hand you herewith, for your information, copy of a letter which we have today written to Ernest H. Wands, Esquire, Financial Agent of Nicaragua, and copy of his reply.

In making the loan to which those letters refer, we assume that the Bank, in case of necessity, will receive the same measure of protection which may be afforded to us in connection with loans heretofore made by us to Nicaragua under the Treasury Bills Agreement of September 1, 1911, and the Supplemental Loan Agreement of March 26, 1912.

We remain [etc.]

BROWN BROTHERS AND COMPANY.
J. AND W. SELIGMAN AND COMPANY.

[Inclosure 1.]

Brown Brothers and Company and J. and W. Seligman and Company to the Financial Agent of Nicaragua.

New York, *August 2, 1912.*

Dear Sir: We are today in receipt of a telegram from the President of Nicaragua, requesting us to make an immediate loan of $100,000 to his Government for the purpose of enabling it to reestablish order.

As you are aware, the National Bank of Nicaragua, recently incorporated pursuant to the terms of the Treasury Bills Agreement of September 1, 1911, opened for business at Managua on August 1st. The entire capital stock of that Bank is pledged with us as security for the various loans which we have heretofore made to the Republic, and under the terms of our agreement with Nicaragua, the Bank is under our management and control. The Bank has, or can procure, the funds necessary to make the loan above referred to, and we are disposed, in that form to comply with the request of President Díaz. Before doing so, however, we desire to know whether such a step would meet with your approval as the Financial Agent of Nicaragua. If this loan should be made, we beg to inform you that it is our intention to file a copy of this letter and of your reply with the Department of State at Washington, in order that the loan may receive the same measure of protection which the United States Government will doubtless extend to the loans heretofore made by us.

Yours very truly,

Brown Brothers and Company,
J. and W. Seligman and Company.

[Inclosure 2.]

The Financial Agent of Nicaragua to Brown Brothers and Company and J. and W. Seligman and Company.

New York, *August 2, 1912.*

Dear Sirs: I beg to acknowledge receipt of your letter of this date with reference to a loan of $100,000 proposed to be made to the Government of Nicaragua by the National Bank of Nicaragua, Incorporated.

In reply, I beg to say that the proposed loan meets with my entire approval.

Very truly yours,

Ernest H. Wands.

Note.—On August 5, 1912, the text of the loan convention between the United States and Nicaragua (see p. 1074) was made public.

File No. 817.51/487.

The Acting Secretary of State to Brown Brothers and Company and J and W. Seligman and Company.

Department of State,
Washington, August 19, 1912.

Gentlemen: The Department acknowledges the receipt of your letter of the 2d instant in which, on behalf of the National Bank of Nicaragua, Incorporated, you transmit, for the information of the Department, a copy of a letter dated August 2d to Ernest H. Wands, Esquire, Financial Agent of Nicaragua, relative to an immediate loan of $100,000 requested by the President of Nicaragua, and a copy of Mr. Wands' reply thereto.

In reply you are informed that this Government always exercises every proper effort to protect legitimate interests abroad insofar as the particular facts and circumstances of the given case may warrant. However, you will of course appreciate that this Department could not undertake in any way to guarantee investments of American capital in foreign countries. Moreover, it should be stated that it is the custom of the Department to decline to express an opinion as to the attitude which it might take with reference to anticipated occurrences which might, under the rules and regulations prescribed by international law, warrant representations by this Government in behalf of its citizens.

I am [etc.]

ALVEY A. ADEE.

File No. 817.51/499.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, September 14, 1912.

There is urgent need of money to pay troops and meet other legitimate expenses necessarily incurred in putting down disorders. But recourse to internal loans would be decidedly unpopular and inadvisable. Therefore I strongly recommend that bankers advance additional sums on equitable terms for at least three months, during which normal conditions will probably be established.

WEITZEL.

File No. 817.51/503.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, September 23, 1912.

The Government is fast losing control of the situation. It is extremely unfortunate that additional loan mentioned in my September 10[1] has not been agreed to by the bankers. There is immediate need for $50,000, but the Government has no means of raising it except through the bankers or by levying contributions; the latter was the rebels' method and should be avoided by the Government.

The President offers three alternative propositions: (1) an advance of $50,000 gold from customs revenues, the bankers to reimburse themselves from some source under the supplementary contract; (2) exercise by the bankers of their option on 51 per cent of railroad under an agreement to advance $100,000 monthly for five months and the remainder at a time to be agreed upon; (3) an advance of $100,000 monthly for five months and an option on the remaining 49 per cent of the railroad at a valuation of $1,000,000.

WEITZEL.

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[1] Not printed; see September 14.

File No. 817.51/505.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, September 26, 1912.

The following just received from the bankers:

> The plan we submitted, and accepted by Nicaragua, involved no delay and will, we trust, be promptly adopted.

Wilson.

File No. 817.51/515.

Brown Brothers and Company and J. and W. Seligman and Company to the Secretary of State.

New York, *November 13, 1912.*

Sir: Referring to your telegrams[1] to us of Sept. 16th and Sept. 25th, and our telegrams to you of Sept. 17th[1] 25th[1] and 26th, we beg to say that the negotiations with the Government of Nicaragua therein referred to have resulted in an agreement between the Republic and ourselves, dated November 4th, 1912, a copy[1] of which we enclose herewith for your information.

In accordance with the provisions of this agreement, we have already released and turned over to the Republic $100,000 of the customs moneys heretofore collected, and out of the moneys received as the result of the Ethelburga Syndicate settlement have set aside $400,000 which we now hold as a separate fund under the agreement to be paid over to the Republic in installments at such times and in such amounts as may be agreed upon between the President of the Republic and us.

Respectfully yours,

Brown Brothers and Company.
J. and W. Seligman and Company.

NATURALIZATION CONVENTION BETWEEN THE UNITED STATES AND NICARAGUA.

Signed at Managua, December 7, 1908; ratification advised by the Senate January 21, 1909; ratified by the President March 1, 1909; ratified by Nicaragua March 28, 1912; ratifications exchanged at Managua March 28, 1912; proclaimed May 10, 1912.

By the President of the United States of America.

A PROCLAMATION.

Whereas a Naturalization Convention between the United States of America and the Republic of Nicaragua was concluded and signed by their respective Plenipotentiaries at Managua, on the seventh day of December, one thousand nine hundred and eight, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

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[1] Not printed.

The President of the United States of America and the President of the Republic of Nicaragua, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Nicaragua, and from Nicaragua to the United States of America, have resolved to conclude a Convention on this subject and for that purpose have appointed their Plenipotentiaries to conclude a Convention, that is to say: the President of the United States of America, John Hanaford Gregory Jr., Chargé d'Affaires ad interim of the United States at Managua, and the President of Nicaragua, Rodolfo Espinosa R., Minister for Foreign Affairs, who having exchanged their full powers, found in good and due form have agreed to and signed the following articles.

Article I.

1. Citizens of the United States who have been or may be voluntarily naturalized in Nicaragua in conformity with the laws thereof, shall be considered and treated by the Government of the United States as citizens of Nicaragua.

2. Reciprocally, citizens of Nicaragua who have been or may be voluntarily naturalized in the United States in conformity with the laws thereof, shall be considered and treated by the Government of Nicaragua as citizens of the United States.

Article II.

1. If a citizen of the United States naturalized in Nicaragua renews his residence in the United States without the intention to return to Nicaragua, it shall be considered that he has renounced his citizenship in Nicaragua.

2. Reciprocally, if a citizen of Nicaragua naturalized in the United States renews his residence in Nicaragua without intention to return to the United States it shall be deemed that he has renounced his citizenship in the United States.

3. The intention not to return shall be deemed to exist when a person naturalized in one of the two countries resides for more than two years continuously in the other country; however, such presumption may be destroyed by evidence to the contrary.

Article III.

A mere declaration of intention to become naturalized in either country shall not, in either country, have the effect of legally acquired citizenship.

Article IV.

Citizens naturalized in one of the two countries and returning to the country of their origin shall be subject to trial and punishment in the latter for any punishable act committed before their emigration, but not for the act of emigrating itself, always excepting cases of limitation or any other remission of liability.

ARTICLE V.

It is agreed between both parties to define the word "citizenship," as used in this Convention, to mean the status of a person possessing the nationality of the United States or Nicaragua.

ARTICLE VI.

The present Convention shall be in force for a period of ten years from the date of the exchange of ratifications. If, one year before the expiration of this period, neither of the parties gives notice to the other that it shall expire, it shall continue in force until twelve months after such notice is given.

ARTICLE VII.

The present Convention shall be ratified constitutionally by each country, and the ratifications shall be exchanged at Washington or at Managua within two years from date at the latest.

Done in Managua the seventh of December one thousand nine hundred and eight, sealed and signed in two copies of same tenor in English and Spanish.

JOHN HANAFORD GREGORY Jr. [SEAL.]
RODOLFO ESPINOSA R. [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Managua, on the twenty-eighth day of March, one thousand nine hundred and twelve;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this tenth day of May in the year of our Lord one thousand nine hundred and twelve, and of [SEAL.] the Independence of the United States of America the one hundred and thirty-sixth.

WM. H. TAFT.

By the President:
HUNTINGTON WILSON
Acting Secretary of State.

Supplementary Naturalization Convention between the United States and Nicaragua.

Signed at Managua, June 17, 1911; ratification advised by the Senate, August 15, 1911; ratified by the President, January 24, 1912; ratified by Nicaragua, March 28, 1912; ratifications exchanged at Managua, March 28, 1912; proclaimed, May 10, 1912.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Supplementary Convention between the United States of America and the Republic of Nicaragua extending the time within which may be exchanged the ratifications of the Naturalization Convention between the two countries signed at Managua, December 7, 1908, was concluded and signed by their respective Plenipotentiaries at Managua on the seventeenth day of June, one thousand nine hundred and eleven, the original of which Supplementary Convention, being in the English and Spanish languages, is word for word as follows:

The President of the United States of America and the President of the Republic of Nicaragua, considering it expedient to prolong the period in which, by article VII of the Naturalization Convention signed by the respective plenipotentiaries of the United States and Nicaragua at Managua on December 7, 1908, the exchange of the ratifications of the said Convention shall be effected, have for that purpose appointed their respective plenipotentiaries, namely:

The President of the United States of America, Elliott Northcott, Envoy Extraordinary and Minister Plenipotentiary of the United States of America; and the President of the Republic of Nicaragua, Tomás Martínez, Minister for Foreign Affairs of the Republic of Nicaragua,

Who, after having communicated each to the other their respective full powers, which were found to be in good and due form, have agreed to the following additional and amendatory article to be taken as a part of the said Convention:

SOLE ARTICLE.

The respective ratifications of the said Convention shall be exchanged at Washington or at Managua as soon as possible and within two years from December 7, 1910.

In faith whereof the respective plenipotentiaries have signed the present Supplementary and Amendatory Convention in duplicate in the English and Spanish languages and have hereunto affixed their seals.

Done at Managua this seventeenth day of June, in the year of our Lord one thousand nine hundred and eleven.

ELLIOTT NORTHCOTT.
TOMÁS MARTÍNEZ.

[SEAL.]

And whereas the said Supplementary Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Managua, on the twenty-eighth day of March, one thousand nine hundred and twelve;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Supplementary Convention to be made public, to the end that the same may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this tenth day of May in the year of our Lord one thousand nine hundred and twelve, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-sixth.

WM. H. TAFT.

By the President:
HUNTINGTON WILSON
Acting Secretary of State.

VISIT OF THE SECRETARY OF STATE TO NICARAGUA.

File No. 033.1100 K77/6.]

The Minister of Nicaragua to the Acting Secretary of State.

LEGATION OF NICARAGUA,
Washington, February 15, 1912.

SIR: I have the honor to acknowledge your note of February 13[1] in which you advise me that, impressed with the importance of the relations between the United States and the Republics of Central America and the Caribbean Sea, the President has directed the Secretary of State to visit the capitals of the Republics referred to, stopping also at the capitals of Venezuela and Panama and probably visiting Mexico and Colombia as well.

And you add that you reserve for a later communication the information of the precise date of the visit of the Secretary of State to Nicaragua.

I want to express our great appreciation of this visit and how much obliged we are to the President of the United States and to the Secretary of State, who will honor my country as it has never before been honored by so powerful a nation.

I have communicated with Managua, and the President has directed me to say that the Government and people of Nicaragua are rejoicing greatly over this happy event.

We are sure that the visit of the Secretary of State, the first in the history of my country, will benefit us immensely and will establish forever the cordial relations between the United States and the Central American Republics; and I am also convinced that these countries will be proud of such a distinction and courtesy, and that they will make in the future every effort to deserve such an honor and to prove themselves worthy of so significant and friendly a demonstration.

Accept [etc.]

SALVADOR CASTRILLO.

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[1] The identic letter printed under Panama: "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

File No. 033.1100 K 77/100.]

The American Minister to the Secretary of State.

No. 10.]

AMERICAN LEGATION,
Managua, February 23, 1912.

SIR: I have the honor to enclose copy, with translation, of notes exchanged with the Foreign Office and with President Díaz regarding the visit to Nicaragua of Mr. Knox and his party. I am also transmitting the program of his entertainment[1] and an official decree of the Government extending to him presidential honors.

I have [etc.]

GEORGE T. WEITZEL.

[Inclosure 1.]

The American Minister to the Nicaraguan Minister for Foreign Affairs.

F. O. 4]

AMERICAN LEGATION,
Managua, February 16, 1912.

EXCELLENCY: I have the honor to inform your Excellency that I am in receipt of a telegraphic instruction from my Government regarding the proximate visit to Nicaragua of the Honorable the Secretary of State of the United States.

My Government is deeply impressed with the importance of the relation between the United States and the Republics of Central America and the Caribbean Sea happily so friendly and grown closer and more intimate with the approach of the opening of the Panama Canal from which so many mutual benefits to our countries are hoped, and therefore the President has directed the Secretary of State to visit the capitals of these several Republics stopping also at the capitals of Venezuela and Panama and possibly others of the Southern Republics.

The final decision of the President was made so shortly before the departure of Mr. Knox for Florida that it was not possible to give this Legation precise information of the Secretary's plans and therefore the Department has reserved the details of the Secretary's itinerary and the length of his stay in Nicaragua for a later communication.

However before leaving Washington Mr. Knox requested that the Legation be assured of the great pleasure with which he looks forward to his visit in this country and to the opportunity for personally knowing President Díaz and the members of his Government in that way signalizing the particular importance attached by President Taft to those relations of cordial amity which it is the aim of the United States to cultivate with Nicaragua.

Accept [etc.]

GEORGE T. WEITZEL.

[Inclosure 2.—Extract.—Translation.]

The Minister for Foreign Affairs to the American Minister.

FOREIGN OFFICE,
Managua, February 17, 1912.

MR. MINISTER: I have the honor to acknowledge the receipt of your Excellency's important note of the 16th instant wherein you are pleased to inform me [etc.]

My Government has welcomed your courteous announcement with marks of high satisfaction, and feels that an occurrence of such importance is not only an event of honor for Nicaragua, but that it will redound in great benefit to the welfare of the Central-American Republics and make more intimate, if possible, the friendly relations which so happily exist between Nicaragua and the United States.

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[1] Not printed.

It will give my Government great pleasure to receive Mr. Knox as much for his high personal qualities as for his eminent official position as representative of the American Government and people, for whom the Government and people of Nicaragua cherish sentiments of unstinted admiration and goodwill; and also the members of his family and party as guests of the nation; and to lavish upon them the signal attentions which are due their high rank and position.

While venturing to request that your Excellency inform this Ministry of any news relative to the trip of Mr. Knox to Nicaragua, which my Government would regard as true evidence of friendship on the part of your Government, I take advantage of this occasion to renew [etc.]

J. A. Urtecho.

[Inclosure 3.—Translation.]

The President of Nicaragua to the American Minister.

National Palace,
Managua, February 18, 1912.

Mr. Minister: I am performing a most pleasant duty in offering to the Secretary of State, Mr. Philander C. Knox, and to his distinguished family through the worthy medium of your excellency the presidential house for the residence of the illustrious guests during their approaching visit to Nicaragua.

Believe, Mr. Minister, in the sincerity of this offer, which I make for the better comfort of the notable travelers, and which, saving your better judgment, resolves satisfactorily a detail quite important for the welfare of these honorable guests of the Nation.

I beg you, Mr. Minister, when honoring me with your reply, not to entertain any unjustifiable fear of occasioning inconvenience, since even now the necessary dispositions have been made in the hope that your valued reply will be favorable.

I take [etc.]

Adolfo Díaz.

[Inclosure 4.]

The American Minister to the President of Nicaragua.

American Legation,
Managua, February 18, 1912.

My Dear Mr. President: It is very gratifying to me to be able to express my deep appreciation of the very courteous spirit of your note to-day offering the use of the presidential mansion to the Secretary of State and his family during their visit in this capital.

I shall be glad to convey your message to Mr. Knox and I have no doubt of the warm response that will be evoked by this new evidence of the hospitality for which Nicaragua is so well known, and of the delicate kindliness that distinguishes Your Excellency.

I am [etc.]

George T. Weitzel.

[Inclosure 5.—Translation.]

Decree of the Government of Nicaragua.

The President of the Republic, considering that His Excellency the Secretary of State of the United States of America, Mr. Philander C. Knox, will honor Nicaragua with a visit during the first days of the coming March; that, because he is the welcome representative of the American Government and people and because of his high official position, the highest considerations are due to him by the Government and people of Nicaragua; that it is therefore appropriate to make a signal show of friendship to the American people, to His Excellency the President of the United States, Mr. W. H. Taft, an expression of recognition of the deferential courtesy of the visit of His Excellency the Secretary of State, Mr. Philander C. Knox, and to this renowned official a cordial manifestation of the goodwill and admiration of the Nicaraguan Government and people—

In Council of Ministers decrees:

Article 1. The day on which His Excellency the Secretary of State enters this capital shall be a holiday.

ARTICLE 2. The Honorable the Secretary of State, his family, and party, are hereby declared to be guests of the nation.

ARTICLE 3. A reception committee shall be formed as an annex to the Foreign Office, under the authority of Dr. Máximo H. Cepeda. This committee will be charged with personally attending to the honorable guests, drawing up a program of entertainment, and with such other details as may be necessary in this connection.

ARTICLE 4. To His Excellency, Mr. Knox, during his stay in Nicaragua, the honors of a President of the Republic are hereby extended.

PRESIDENTIAL MANSION, *Managua, February 21, 1912.*—Adolfo Díaz.
Minister of Gobernación, Justicia y Gracia, Miguel Cardenas.
Minister of Hacienda y Crédito Público, Pedro Raf. Cuadra.
Minister for Foreign Affairs and Public Instruction (acting), J. A. Urtecho.
Minister of War and Marine, Luis Mena.
Minister of Fomento and Public Works (acting), Arturo Solorzano.

Speech of Mr. Knox at the railroad station at Managua, Nicaragua, March 5, 1912.[1]

MR. MAYOR, LADIES, AND GENTLEMEN:

My especial regret at this moment is that I have not an acquaintance with the beautiful language of your good people which will enable me to respond in fitting terms to your words of welcome. I can not take any other meaning from them, however, than that you have extended to me a kindly greeting, and in the name of the people of my country and of the President of the United States I sincerely thank you. It is not only a privilege to be here, but a great satisfaction to stand in this capital city and look into the eyes of the people for whom my friendship has always been great. I appreciate the honor that was done me by the citizens of Nicaragua in sending to the seashore so many of your distinguished men and beautiful women to greet us at the threshold of your country, and I am sincerely thankful to the municipal authorities of the city of Managua, as well as the authorities of the Republic, not only for myself but for my party, for my people, and for my President for the great cordiality you have shown me.

Speech of His Excellency Don Adolfo Díaz, President of Nicaragua, welcoming Mr. Knox, Managua, March 6, 1912.

[Translation.]

MR. SECRETARY:

You are in a country where your name has long been known, because on a memorable occasion for our liberty you linked it with the history of our struggles for advancement by an act of justice of the American Government, inspired by the sentiment of that great people which abhors tyranny not only within its own frontiers, but in every place to which it may carry the beneficent influence of its policy.

As an admirer of that policy by reason of its evident results in other fortunate Latin countries, I live in the firm intention of accepting that friendly influence so long as I myself have any influence in the destinies of my country, whether as a ruler or as a citizen.

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[1] The Secretary did not receive a copy of the speech to which this is a reply.

Unfortunate has been the existence of Central American democracy. A prolonged and bloody struggle has consumed the vigorous life of these nations during almost an entire century of sterile uprisings. To refer only to my own country; it has been a republic for almost a hundred years without having known republican methods in all that time, except at brief intervals. Our political struggles have unfortunately not been a luminous contest of ideas and principles; they have been a terrible duel between despotism, on one hand, and, on the other, the ill-directed efforts of the people in search of happiness never attained—a duel, a horrible duel, which has at length left the Republic, if not dead, at least almost utterly exhausted.

Horrible disasters have happened among us which have been viewed, if not with indifference, at least with passive calmness by the rest of the civilized world, because in international regulations the selfish doctrine has prevailed that in the matter of good government each nation should concern itself only with its own people, as if those who suffer the oppression of tyranny were not human beings, like other unfortunates to whom succor is never denied among Christians. This doctrine, thanks principally to the United States, is disappearing among nations to give place to the more generous one of mutual assistance.

In the light of these principles I entered the revolution of Bluefields with firm faith, a faith maintained unchanged even amidst the greatest vicissitudes of that terrible war, because I knew that we were engaged not in one of the many uprisings, vain efforts, common in our disorganization, without positive results, but in a real revolution, an absolute overthrow not only of the despot but also of his baneful system, and thereafter a triumph of justice and the establishment of order and lasting peace in Nicaragua.

I knew then, and I believe to-day, notwithstanding my transition from a revolutionist to a member of the Government, that this happy outcome can not be obtained without the assistance of your country. We are weak and we need your strong help for the regeneration of our debilitated land. The hand which your Government generously and fraternally extends to us I accept without reserve or fear, for I know it belongs to a people which has made a religion of liberty and, educated in and for freedom, loves its independence above everything and respects the independence of others.

In this work for the welfare of Nicaragua, increasing the hope of its ultimate success, your name is pledged. It has been connected, to the joy of our people, with two of our principal events: With your famous note, in which, as the mouthpiece of civilization, you pronounced the doom of tyranny before the world, and with the treaty you signed in Washington with our Minister Castrillo, the clauses of which are a guaranty of peace, the basis of a future of prosperity and order, and the confirmation of which by the American Senate all good Nicaraguans are to-day anxiously awaiting in order to enter tranquilly upon the enjoyment of their assured rights and the anticipation of that future of development and wealth.

The name of your worthy President, William H. Taft, and your own name are pronounced by all Nicaraguans, from the statesman to the humblest countryman, as though they were names of personages of our fatherland, due to the fact that every day the bonds are becoming closer between your great and happy country and my own small country, worthy, however, of equal happiness because it consists of a generous race inhabiting a rich land.

This sincere friendship between the powerful and the weak is meritorious for both—for the one because of its altruism; for the other because of its confidence. Yes, sir, unlimited confidence in the proven morality of the American Government, and even greater confidence in the people of your great nation, who in every circumstance would be the first and most earnest defenders of justice for the weak, even against their own Government.

In this new political life of Nicaragua, which, scarcely begun, is already showing the effect of almost forgotten liberties—in this work of regeneration you have been one of the most active agents, bringing to us at this opportune moment of our transformation the influence of your power without offending us with your strength. For this reason you may count upon firm affection in Nicaragua; for this reason you are received like an old acquaintance, and I, in the name of the people and of the Government of Nicaragua, greet you cordially, and hope your sojourn may be pleasant in this country, where your name signifies an ideal.

Reply of Mr. Knox.

Mr. President, Ladies, and Gentlemen:

On behalf of the Government and people of the United States permit me to express my sincere appreciation and thanks for your kindly greeting. I have come to Nicaragua to express to you the keen feeling of neighborly sympathy entertained by my Government for the Government and people of Nicaragua, and it is indeed a pleasure to meet you here and be privileged to speak to you face to face.

Thanks to the frank and most cordial relations which happily exist between our respective countries our people are rapidly becoming more deeply interested in the welfare and development and consequent prosperity of Nicaragua, and are more than ever before manifesting a desire to cultivate even closer and more intimate relations. Movements toward closer association and truer friendship between the peoples of different countries are not arbitrarily created by outward efforts; they spring from within. Their primary impulse is the growing conviction of neighboring countries that the development and prosperity of each is in harmony with the advancement of the welfare of all. Such movements are tremendously facilitated by the confidence and friendship that follows acquaintance, and that fact is the inspiration of my mission.

Although the interest of the people of the United States in the welfare of your country is keen there is not and never has been any desire either on the part of the American Government or people to mix unduly or unbidden in the internal affairs of Nicaragua, but to the request for assistance in the regeneration of Nicaragua my Government was happy promptly to respond.

The political and economic situation that had arisen, due to many years of misrule, rendered the task of reorganization of your Government exceedingly difficult, and your leaders, because of the frank friendship and good faith of the United States toward the Nicaraguan people as a whole, naturally turned to the American Government for council and assistance in the arduous task before them. My Government was glad to send to Managua a special commissioner to aid in making a fixed program which the leaders pledged themselves to carry out and in which was contemplated loyal cooperation in the rehabilitation of Nicaragua. The Government of the United States was glad to suggest, upon the invitation of Nicaragua, a competent financial adviser who should make a careful study of the economic conditions of the country and counsel the Government of Nicaragua as to the best methods to be pursued in dealing with this most difficult and important problem, and also to assist you in devising means to be adopted to deal with the claims against Nicaragua and to dispose in an adequate and just manner of the outstanding and legally or economically unsound and ruinous concessions.

The United States was likewise, upon your invitation, glad to conclude a convention with Nicaragua which will provide a sufficient measure of security for a new foreign loan, essential for your financial reorganization and internal public improvements. While this convention is still pending before the United States Senate it has become necessary for Nicaragua to make some provision for the immediate reformation of the local currency, and in order to accomplish this a short-time loan has been negotiated and my Government has gladly approved the name of an American collector general of customs, who has been appointed by the Government of Nicaragua.

The Nicaraguan people are to be congratulated that they have at the head of the nation a man quick to realize the necessities of the country and of courage sufficient to expeditiously set on foot the best and surest means of meeting the country's needs.

It must here be remembered that the progress already made and the continuance of Nicaragua along the path to national regeneration depend almost entirely upon the preservation of peace and contentment in the country, and that the surest means of reaching this end is the faithful observance of the pledges made by the leaders of all parties.

In the zone of the Caribbean the responsibilities of the United States are becoming increasingly great as the opening of the great waterway which is to change the trade routes of the world draws nearer and the desire of the United States to see order and prosperity becomes even more intensified. We are especially interested in the prosperity of all the people of Nicaragua. Their prosperity means contentment and contentment means repose. The United States have always cherished sentiments of the warmest regard and most cordial esteem for the people of Nicaragua, and from the very commencement of the independent existence of Nicaragua the Government of the United States has steadfastly adhered to the traditional policy that found expression in the words of President Monroe and which indicated a sympathetic interest in seeing this country develop and progress unrestricted and unfettered by the interference of foreign nations. Encouraged by that sympathy Nicaragua was able to add to its jurisdiction a strip of territory along the Atlantic coast which, with the establishment of better means of communication between the eastern and western portions of the country, will add greatly to the resources and the political prestige of the Republic. The people of the United States most earnestly desire that Nicaragua should steadily advance to that place in the family of nations to which its situation, its wealth, and the capacity of its people for self-government justly entitle it, and in that spirit of cordial good will and warm friendship the Government of the United States stands prepared to lend such counsel and assistance as may be requested and as may be proper in the establishment of a government calculated to maintain order, enforce law, discharge its international obligations, and promote peace, progress, and prosperity.

I was much impressed, sir, by the lofty standard Nicaragua has set for herself, so eloquently expressed by you in your gracious words of welcome to our Minister, whom you have so recently received. When you assured him that Nicaragua "had established as a firm base of government the respect for human life, the absolute right to property, the suppression of the odious system of forced contributions, the complete independence of the courts, the freedom of the press, and the observance of all individual guaranties", you justly concluded that these facts were "eloquent testimony of the unvarying purpose that animates the Government of Nicaragua to be faithful to its international obligations and to the promises of liberty and justice given to its citizens."

It has probably never happened that neighboring countries, which have been more or less afflicted with international and internal troubles of frequent recurrence arising from similar causes, have adopted such radical and effective means for their prevention as did the five Central American republics in the three treaties signed at Washington in 1907 under the friendly counsel and sympathy of the United States and Mexico.

By the convention for the establishment of a Central American Court of Justice they bound themselves to create and maintain a permanent tribunal and to submit to it all controversies and questions which may arise among them of whatever nature. By the general treaty of peace and amity they agreed to the maintenance of peace in their mutual relations, and to that end, taking into consideration the central geographical position of Honduras, they stipulated for its complete neutrality in event of conflict between the other republics, and, in order to remove one of the most frequent sources of trouble, provision was made calculated to suppress revolutionary activity on the part of the residents in adjacent republics. By the addition to that convention, and for the purpose of further discouraging and preventing internal disturbances in the five republics, they agreed to refuse to recognize revolutionary governments in each other's countries until first constitutionally recognized in the country where occurring; they agreed not to intervene in any country in case of civil war; and they agreed to constitutional reform. The mere fact that these high resolutions may not have been strictly observed in particular cases should by no means discourage the signatory parties, the important fact being that these five republics have indicated their sincere desire for international peace and domestic tranquility, and have devised complete and adequate means to that end, the faithful adherence to which will become more and more habitual as the excellent example of the more advanced republics continues to prompt it.

Mindful of the part the United States took in encouraging the making of these treaties and the moral obligations arising therefrom it is not the intention of our Government or our people to refrain from lending every possible proper aid and encouragement to the parties to these conventions to constantly carry into effect their wise and beneficient provisions.

If this or any other government is to endure in this or any other land it is necessary that wisdom, vigilance, patience, and loyalty should abide in its halls of legislation, its chambers of justice, in the centers of executive power, and with the dominating mass of its people.

The establishment and preservation of the institutions of free government, here as elsewhere, depend not upon those who think first of serving themselves and to that end would sacrifice their country; not upon those who think only of defeating the opposition and to that end would sacrifice the world; but upon those who think only of the welfare of their country and to that end would sacrifice themselves.

In Nicaragua there is to-day present the opportunity and the acute necessity for a display of the very highest and most enduring type of patriotism. There is now a call to her true sons to give the best that is within them to anxious and concerted effort for the public weal, to execute the compromises, adjustments, and concessions essential for the general welfare, and, by consistent and loyal adherence to the understandings and agreements that have been reached for the rehabilitation of their Government, to place their names first upon their country's enduring roll of fame.

Speech of the President of the National Constitutional Assembly of Nicaragua, Dr. Ignacio Súarez, at a session of that body held at Managua in honor of Mr. Knox, March 6, 1912.

[Translation.]

Mr. Secretary:

The National Constitutional Assembly wishes to accord you this reception to give you a cordial welcome in testimony of the lively sympathy and high esteem which the people and Government of the United States inspire in them, and you, Mr. Secretary, who, in the high character of Secretary of State of the great American nation, have contributed indirectly with your moral influence to the pacification of our country. Hence, I have the honor to express these sentiments in the name of the National Congress, prophesying the most perfect success of the mission which has brought you here.

You are not, therefore, to us merely the diplomatic representative of a powerful nation whom we admire and respect and to whom we are bound by ties of old and friendly relations, but also a welcome guest, owing to your having given proof that you are animated by a lofty spirit of American brotherhood.

It can not be denied, however, that your visit, which the peoples of America, and ourselves especially, have been awaiting with suspense, has awakened fears and misgivings in timid minds, who see in it a peril to our autonomy. Undoubtedly it is because they are unaware of the many proofs which on divers and solemn occasions North American statesmen have given officially which eliminate all tendency to expansion or to interference in foreign dominions which might compromise the latter's sovereignty and independence.

It must be recognized also that a propaganda nearly continental in proportions denouncing expansionism has been initiated. This propaganda first took form in the famous Monroe Doctrine, so opportunely formulated, now amplifying and restricting its terms, or diluting it in a strong solution of unbiased criticism in order to arrive at the exact conception of its true meaning.

Those unfounded fears of which I have just made mention arise from this. To dissipate them it is enough for me to recall some of those proofs, unimpeachable through having been confirmed in the international practice of the United States.

The glorious conqueror of Vicksburg, in 1881, calmed the restlessness of the Mexicans who attributed intentions of annexation to his journey, assuring them, at a banquet given to him by the deputies of Oaxaca, that the people of the United States would under no circumstances accept annexation, not even if nine-tenths of the people of Mexico should ask for it, and he added:

> We do not need new territory; we have yet to develop what we have. We wish to see our neighbors prosper and become so strong that the projects which are formed by other countries in relation to them may in no way endanger their safety.

And later, in 1885, in order to dispel new fears in the same Republic, the United States Minister, Mr. Henry R. Jackson, at a reception given on July 4, pronounced these energetic and quieting words:

> May the hand be paralyzed that dares to strike out a single star of the pleiad of American republics! May the statesman perish who pulls out petals or pistils from a single flower! Allow to each nation the full enjoyment of its institution, customs, and local laws. Let it govern itself according to its pleasure. If American freedom for all nations does not consist in this, then our Constitutions, Federal and State, can be naught but lies and our flag a farce.

The Attorney General, Mr. Cushing, upon giving an opinion requested by the Secretary of State, Mr. William L. Marcy, on a claim of Peru against the United States, thus expressed himself:

> It seems to me that considerations of expediency concur with all sound ideas of public law to indicate the propriety of a return to more reserve in all this matter, as between the Spanish American Republics and the United States; that is, to abstain from applying to them any rule of public law which we do not admit to have applied to us; to do only as we would be done by; and to consult their well-being, and cultivate their friendship, by adhering to the impartial assertion, whether in claim or in rejection of claim, of the established rules of the international jurisprudence of Christendom.

Such wise and worthy words even the venerable founder of American democracy would not have disdained to pronounce.

I omit other more recent declarations, for they are better known, such as those of Secretary of State Root on his trip through South America, calculated also to communicate to weak nations the security of their independence.

There can be no doubt that justice will triumph and that the way will be opened through which invigorating and fruitful currents will urge on to fields of progress.

The evolution taking place in private law, influenced by the principles of true justice which does not lose sight of the common destiny of mankind, is already more important than international law, and from day to day the violence of nation against nation becomes rarer where such violence is grounded only on the supremacy of strength.

I have the pleasure here to state that the United States has in nearly all cases abided by the principles above laid down. In evidence of this are the many cases of arbitration with small nations: The Venezuelan flour claim of 1836, which it dropped when convinced that it was in the wrong; the abuses of a mixed commission on claims against Paraguay, removed in 1862 by this declaration of the President: "The people and Government of the United States are too honorable to connive at oriental trickery in favor of their citizens to the detriment of justice"; to Peru was given entire satisfaction in 1852 by the Secretary of State, Mr. Everett, "in consequence of unintentional injustice done," according to his expression, when the sovereignty of this Republic in certain guano islands which American citizens wished to take possession of was put in jeopardy.

And I could continue with similar quotations. I shall not omit the Venezuelan case, owing to the special circumstances which attached to it. This Republic was condemned to pay by a mixed commission an indemnity to American citizens in the sum of $1,253,310.30. It paid one-half, more or less, and it then refused to pay the rest because great frauds had been disclosed which placed the real amount of the debt at $80,000. The American Congress, at the request of the Executive, authorized the use of force for obtaining payment; but Venezuela held out in its refusal until President Arthur and Secretary Frelinghuysen recognized that it was right, and to this effect Congress was informed, and this high body thereupon unanimously resolved that another commission should be appointed to revise the first decision.

I have gone into these details at length to make clear the procedure of your powerful country with the other weak ones of the continent; and the last cited in particular attracts the attention, for it treats of decision clothed with all the force of a thing adjudicated opened anew through respect for right and equity.

Hence, all fears and all prejudice ought to be rejected in our relations with the United States, it being evident that the strongest bulwark of our guaranty as a nation lacking physical strength lies in the force which emanates from right, and therefore it resides in your own institutions, in your characteristic respect for law, which, as was said by a notable writer, is born of the Anglo-Saxon temperament—calm, practical, lover of justice, and averse to all extreme measures.

Hard is the lot of a weak people, even when its friendship with great and strong nations is taken into consideration.

The same august founder of your prosperous Union, who saw everything through the crystal of his excellent virtues, said, on taking leave of public life, in his immortal message addressed to Congress:

> Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Nicaragua, however, which in 1884 was closely bound to your country by the Zavala-Frelinghuysen treaty, does not fear prejudice or see peril to its autonomy, and strong in its good faith and confident in its institutions, founded in and strengthened by the same principles of justice which govern your wonderful Republic, we open our arms and receive you as friends, with signal show of respect and true esteem.

Accept, Mr. Secretary, this manifestation of the Assembly, which, through you, it extends to the people and the Government of the United States.

Reply of Mr. Knox.

MR. PRESIDENT:

I deeply appreciate the honor of being invited to appear before this Assembly in solemn session. It is another mark of the high consideration I have been shown since I entered the Republic. I profoundly realize the important relations which the legislative branch of your Government, like the legislative branches of all republics, bears to the national system and how important its functions are for the welfare of the people.

The real crisis in the history of any people who have by revolution freed themselves from tyranny and oppression is when the cohesive force of the perils of war have been released and the duty of the construction of a new government begins. A people may be liberated and their right to self-government established by the arbitrament of war; but liberty without efficient government is anarchy, and a true national government must be constructed. We found this true in the history of the United States, and the period that intervened between the surrender of Lord Cornwallis at Yorktown and the establishment of the present Government of the United States was one of the most critical in its history. It was commonly asserted, and even by our most friendly critics, that we were incapable of establishing any species of government because we were disunited. It was thought that suspicion and distrust of the people of the different sections of our country would continue until the end of time, and that we would be subdivided into little commonwealths or communities, according to the physical conformation of the land.

Perhaps without the splendid service which the immortal Washington rendered to his country in its trying years this dire prediction might have proved true, but he roused the people to the appreciation of the fact that no permanent government was possible unless the people themselves would be willing, as he expressed it in his farewell letter, "to sacrifice, if need be, some of their local interests to the common weal; they must discard their local prejudices and regard one another as fellow citizens of a common country, with interests in the deepest and truest sense identical." This communication was addressed to the people of thirteen different Commonwealths, each of which regarded itself as a sovereign power, and each of which was groaning under the burden it had assumed for the common cause now brought, as they believed, to a happy issue. They were in no humor for further surrender or sacrifice; they were quarreling among themselves over all sorts of real and fancied grievances. Our credit was failing at home and abroad; our relations with other countries as well as between ourselves were unhappy because of our lack of unity. As a result our citizens were insulted, kidnapped, impressed, and sold into slavery, and all sorts of economic vagaries were abroad in the land. This pointed to an early condition of total wreckage of all that we had gained by our war for independence if a better understanding for the future was not soon reached.

Fortunately this opportunity came in the call for the Constitutional Convention in Philadelphia in 1787. Once again duty called Washington from the satisfactions of private life to preside over the destiny of his countrymen, and upôn the very threshold of its labors his lofty character and noble eloquence inspired the members of the convention with a sense of their duties and responsibilities. It has been said by one of our great historians[1] that—

> At the very outset some of the delegates began to exhibit symptoms of that peculiar kind of moral cowardice which is wont to afflict free governments, and of which American history furnishes so many instructive examples. It was suggested that palliatives and half measures would be far more likely to find favor with the people than any thoroughgoing reform, when Washington suddenly interposed with a brief but immortal speech, which ought to be blazoned in letters of gold, and posted on the walls of every American assembly that shall meet to nominate a candidate, or declare a policy, or pass a law, so long as the weakness of human nature shall endure. Rising from his President's chair, his tall figure drawn up to its full height, he exclaimed, in tones unwontedly solemn, with suppressed emotion: "It is too probable that no plan we propose will be adopted; perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."
>
> This outburst of noble eloquence carried conviction to everyone, and henceforth we do not hear that any attempt was avowedly made to avoid the issues as they came up. It was a most wholesome tonic. It braced up the convention to high resolves, and impressed upon all the delegates that they were in a situation where faltering or trifling was both wicked and dangerous. From that moment the mood in which they worked caught something from the glorious spirit of Wasington.

The result of the labors of this convention was the Constitution of the United States; the result of its ratification by the States was the birth of a nation. The present unity, brotherhood, and intercitizenship of the inhabitants of the formerly discordant and jarring States of our Union attest the beneficence of the work of those upon whom the original responsibility was cast, and you people of Nicaragua may be assured of the certainty that under Providence great blessings will come to you as a result of the heroic fortitude you have displayed in the cause of liberty, if it is followed by wise, prompt, and beneficent action for the rehabilitation and reconstruction of the institutions of your land. Mere politics, local differences, sectional strife, personal ambition, should be set aside, and the best thought and the best effort of the country given to the consideration and enactment of such economic measures as will open to the people of Nicaragua a new vista of hope and prosperity. This, supplemented by such measures as will make permanent and enduring the equality of rights which is essential to the maintenance of republican institutions, will give Nicaragua her proper place among the family of American republics.

I note, Mr. President, what you have said in regard to the existence of some apprehension here and in other republics of Latin America as to the true motives and purposes of the United States toward them under the Monroe Doctrine. I beg to assure you, and I am sure that what I say meets the approval of the people and President of the United States, that my Government does not covet an inch of territory south of the Rio Grande. The full measure and extent of our policy is to assist in the maintenance of republican institutions upon this hemisphere, and we are anxious that the experiment of a government of the people, for the people, and by the people shall not fail in any republic on this continent. We have a well-known policy as to causes that might threaten the existence of an American republic from beyond the sea. We are equally desirous that there shall be no failure to maintain a republican form of government from forces of disintegration originating from within; and so far as we may be able we will always be found willing to lend such proper assistance as may be within our power to preserve the stability of our sister American republics.

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[1] John Fiske, "The Critical Period of American History, 1783–1789."

Speech of the President of the Supreme Court of Justice, Dr. Alfonso Solórzano, at a session held by that Tribunal in honor of Mr. Knox on March 6, 1912.

[Translation.]

YOUR EXCELLENCY:

It is the first time in the annals of the history of the Supreme Court of Justice that it has departed from its traditions and extended an invitation to anyone to honor it with a visit.

But nothing is more natural than that it should be extended to you who come as the representative of the great American Nation, which, it is truthfully said, has placed law upon the highest pedestal in the world.

We read your history with interest to learn of the institutions of a free people; its pages, covered with wise lessons, have taught us to love your great men of lofty virtue, who, always conscious of their duty, had the strength of mind to perform it—those men of a glorious past who first planted with firm and unfaltering hand the banner of freedom in the heart of the American Continent.

Born, like you, to a life of law, we have struggled for liberty. Vividly before us is the example of your country, which has succeeded in attaining the height of power not only through the untiring endeavors of its sons to win material progress, but also, and especially, through its political institutions so wisely formulated and even more judicially adhered to.

When your great ancestors founded the Republic they embodied in the Constitution the admirable principles of liberty. They believed, and rightly, that progress and happiness of a people could only be brought about by the full exercise of individual activities, and hence they put upon them no limitations other than those fixed by God, Himself, to prevent annihilation of all in the clash of opposing aspirations.

But they also understood that the wise provisions of this political organism would be fruitless if they did not establish a sovereign and independent power, which, removed as far as human weakness permits from the strife of parties and free from the passions of interest, should become the custodian of its institutions and safeguard its laws; and to the Supreme Court of Justice, which already had been intrusted with the noble mission of conserving peace, protecting life, property, and honor against individual acts, was intrusted this other and higher charge—that of maintaining its principles when unfortunately they might be trampled upon by those intrusted to guard them.

The institution of the Supreme Court of Justice as the custodian of the fundamental law is, to quote Root, "the most precious gift that political science has given to our country." We, prepared by the history of our "mother country," which from the first understood that law is in the hands of the governing power, were heirs also to this valuable legacy.

Our court, like yours, without machinery of material force, is perhaps the highest moral power of the State. It prevents the execution of those orders of the other high powers of the States which might violate the Constitution; it repairs the wrong, punishes the guilty, and, by recent ruling, it even decides upon direct appeal the unconstitutionality of the laws. It is this power which now demonstrates its admiration and good will toward you, and, through you, toward your country. We fain would believe that, if the assurances of cordiality which the political bodies of our country have lavished upon you have been agreeable, as the expression of sincere feeling, this demonstration, which is addressed not to policy but to an eminent jurisconsult, not to a great and strong power, but to people great in law and liberty, will be not less well received.

Reply of Mr. Knox.

Mr. Chief Justice:

This is indeed a high honor you have conferred on me, and I deeply appreciate it, as well as the very kind and complimentary words which you have just pronounced in referring to my Government and to my people.

During twenty-five years of my life I devoted myself to the practice of law in my native State and there I learned to respect the courts as a power, exerting within the orbits of law, justice, and equity great influence for all that is good, and in the last analysis constituting the strongest safeguard for the people's rights. Though I have never occupied a judicial position, yet, having served as the chief of the Department of Justice in two administrations, the contact which my position permitted me to enjoy with the members of the bench strengthened my respect for the courts and taught me to appreciate the sacrifice made by those who, in devoting their lives to the administration of justice, deny themselves opportunities for acquiring wealth or fame in the more alluring fields of human endeavor.

Again I beg of you, Mr. Chief Justice, to accept my most sincere thanks for the distinguished honor you have this day shown to me.

Speech of His Excellency Don Diego M. Chamorro, Minister for Foreign Affairs of Nicaragua, at a banquet tendered to Mr. Knox at Managua, March 6, 1912.

[Translation.]

MR. SECRETARY, LADIES, AND GENTLEMEN:

Animated by sentiments of the most legitimate satisfaction, I have the great honor to offer this homage of high appreciation and good will to his excellency the Secretary of State of the United States of America, Mr. Philander C. Knox.

The people and Government of Nicaragua, Mr. Secretary, feel a lively pleasure in the visit that you make to our country, where your illustrious land is alternately appreciated and admired, and with unfeigned rejoicing we celebrate the happy occasion of your presence among us, which has permitted you to know personally how sincere and enthusiastic are the sympathies we cherish for the great Republic of the north, sympathies which increase every day in the glow of the inalterable confidence which your interest for the well-being and prosperity of Nicaragua inspires in us, and in the perseverance with which we labor in the same work of liberty and of justice, which is the aspiration of our people and the generous ideal of your nation and of your Government.

Peoples, like individuals, more than by their own resources, live by the interests common to other peoples, and no nation, without placing in danger its well-being and its existence, can draw away from that sociological law which compels all individuals and all nationalities to live together in a general concert which tends to the highest development of their forces in the material, the economic, and the moral order.

Profoundly affected by this truth and by the exceptional importance which the relations will assume in the near future, without doubt, between the United States and other nations of the world and all the countries surrounding the Panama Canal, we, in the agreements celebrated with the United States, without any reserve or vacillation, have followed the inspirations of a far-sighted and patriotic policy that counsels us not to lag behind the other nations on the ascending road of progress, civilization, and culture, but to assure, once for all, our position among the nations of the world.

You, most excellent sir, are not a stranger among us. Your name is familiar to our people, and everywhere it is accompanied by the respect and the affection with which entire Nicaragua greets you and receives you as an old and true friend. Your illustrious personality and the eminent representative character vested in you give to your pleasant visit a significance superabundantly honorable for Nicaragua, because you come in the name of a great people to whom we are bound not only by the material ties of an active commerce ever on the increase, but by the better and indestructible moral bonds of the same political ideals, and by your historical traditions closely connected with all our struggles for independence.

With your beautiful Declaration of July, 1776, you awakened in all the people of America the love for liberty. Your sympathies accompanied us in our strivings for emancipation, and before any other country it was your people who recognized us as sovereign nations.

Your international doctrines then gave stability and strength to those conquests of right, assuring forever our existence as republics, unhampered by foreign interference. We owe to you the restoration of our territory, and to-day more than ever we place confidence in the friendship and solicitude of your people for the maximum development, which all Nicaraguans desire, of republican institutions and practices of which your country is, par excellence, the highest exponent in the world.

In the paternal house we learnt from childhood to know and admire your great forefathers. The lives of Washington, Lincoln, and Franklin were heroic legends of the home and their salient and stirring deeds were held up before us constantly by our elders as the most beautiful examples of virtue and patriotism worthy of admiration; and so, used to living in communion with your heroes, we never have and never will accustom ourselves to regard them as strangers, since they are not and can not be such for any free man, whatever the place of his nationality in the world. If your language be unknown to us, the language of liberty and justice, which by its example pointed the way to the attainment of the greatest and most perfect political institution that human endeavor has been able to bring about, so took possession of our minds that it is not surprising that, as men, in contemplating the stupendous altitude which your country has reached in all the spheres of activity and civilization, we should continue rendering that same heartfelt tribute of our admiration to those famous men who initiated such work and to the heirs of those virtues and warders of such great institutions.

In witnessing the public demonstrations and your reception by the Nicaraguan people in their fold, and in considering how the prejudices and misunderstandings among the nations of this continent are quickly blotted out by the frequent celebration of our Pan-American Congresses, of the lofty policy of which your visit to our countries of Central America is one of the most expressive signs, we can not fail to recall the notable words which one of your most illustrous men, John Adams, wrote with prophetic vision to his wife on signing your magnificent Declaration of Independence. He said:

> Yesterday, the greatest question was decided, which ever was debated in America, and a greater, perhaps, never was nor will be decided among men. * * * But the day is past. The second of July 1776, will be the most memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated, as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires and illuminations, from one end of this continent to the other, from this time forward, forevermore.

Remembering these beautiful words of him who was your second President, the clear-sightedness of the statesman is surprising who, from that memorable date, understood the whole compass of your revolution for the entire world, and with the vision of his soul assisted, and caused his contemporaries to assist, in the contemplation of the colossal development of his country, free, rich, and happy after more than an age of existence; who discerned, and caused others to discern, the edifying and magnificent spectacle of America separated in numerous republics, but all united in a single ideal of justice, of liberty, and of respect for the independence and sovereignty of each one of them.

Permit me, gentlemen, in the name of the President of the Republic, to invite you to drink a toast to His Excellency the President of the United States, William H. Taft; to His Excellency the Secretary of State, Philander C. Knox; to his worthy wife and the distinguished ladies who accompany her, whose presence grace and honor this occasion; and to the North American people, to that great nation, the friend of peace, of liberty, and of justice.

Reply of Mr. Knox.

MR. MINISTER, LADIES, AND GENTLEMEN:

I am deeply grateful for the evidences of cordiality which the Government has given me, and I accept these as a mark of brotherly feeling toward the Government and people of the United States.

To my addresses before the Assembly and at the Campo de Marte I have nothing further to add relative to the situation of Nicaragua, but I do wish to avail myself of the opportunity to repeat that the Government of the United States does not propose in any way to interfere in the internal affairs of this country.

This country, though small, has territory and resources sufficient to support 6,000,000 inhabitants, and the Government of the United States will assist Nicaragua in order that it may grow in wealth and population, thus becoming a strong nation.

When I promised to go to Granada I fully intended to make the journey, as it was one of my most cherished wishes that I could have the privilege of visiting that city. The demands upon me while I have been in Nicaragua have been so numerous that I find myself physically unable to undertake a journey that will require me to travel so far to-morrow. I wish, through you, to express to the good citizens of Granada my very deep regret that I am so situated that I can not be the recipient of the cordial welcome that I feel certain I should receive from them.

File No. 033.1100 K77/95.]

The President of Nicaragua to the President.

[Telegram.]

PRESIDENTIAL MANSION,
Managua, March 7, 1912.

I have the honor to apprize you of enthusiastic ovation for Secretary Knox and family. Nicaragua considers herself honored by the visit of such illustrious and welcome guests, and I take pleasure in thanking Your Excellency for it. I send you my best wishes for your personal happiness and for the prosperity of the American people over whom Your Excellency so worthily presides.

PRESIDENT DÍAZ.

File No. 033.1100 K77/95.]

The President to the President of Nicaragua.

[Telegram.]

THE WHITE HOUSE,
Washington, March 12, 1912.

I am greatly gratified at your kind message of the 7th and to learn of the marked courtesies and warm welcome so freely extended to Secretary Knox by Your Excellency's Government and the people of Nicaragua. Pray accept the expression of my appreciation and my good wishes for your personal prosperity and that of the Nicaraguan people.

WM. H. TAFT.

RELIEF OF FAMINE IN NICARAGUA.

File No. 817.48.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Managua, August 5, 1912.

Owing to a partial failure of crops last year and the financial exhaustion of the Republic under the Zelaya régime, there was widespread want approaching famine throughout the country before the outbreak of the present trouble. On account of existing hostilities and consequent prospect of increase of this suffering, does the Department think it advisable to ascertain whether the American Red Cross is prepared to send on short notice supplies to be distributed to noncombatants under American supervision?

WEITZEL.

File No. 817.48.

The Secretary of State to the Secretary of the American National Red Cross.

DEPARTMENT OF STATE,
Washington, August 6, 1912.

SIR: The Department has received, under date of August 5th, telegraphic advices from the American Legation at Managua to the effect that previous to the present revolutionary outbreak in Nicaragua there had been widespread hunger and distress throughout the country which almost approached famine. This unfortunate condition was due to a partial failure of crops last year and to the financial drain upon the Republic due to the ill effects of the régime of President Zelaya. The Minister also states that this suffering is now greatly increased on account of an existing revolution, the effects of which will undoubtedly continue for some time.

The Department, therefore, would be glad to learn whether the American Red Cross is prepared to send, on short notice, supplies of rice, beans, corn, flour and potatoes to be distributed to noncombatants in Nicaragua under the supervision of our representatives in that country.

I am [etc.]

P. C. Knox.

File No. 817.48.

The Secretary of State to the American Minister to Panama.

[Telegram.—Paraphrase.]

Department of State,
Washington, August 7, 1912.

The American Red Cross authorizes expenditure $1000 for flour, potatoes, beans, rice and corn for distribution to famishing noncombatants in Nicaragua, on request of our Minister there. The Commissary of the Isthmian Canal Commission has been instructed by the War Department to furnish these supplies under your direction. You will arrange to purchase them by draft on Secretary of State for delivery to U. S. S. *Justin* sailing August 9th for Corinto from Balboa.

Knox.

File No. 817.48.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, August 7, 1912.

Expenditure of $1,000 for food supplies authorized by American Red Cross, in pursuance of your August 5. Supplies will be furnished for delivery to *Justin* to be held at Corinto subject to your instructions. These supplies will be furnished by commissary department of Canal Commission under the direction of the American Minister at Panama.

Knox.

File No. 817.48/1.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Managua, August 8, 1912.

In pursuance of your August 7 I have requested of American Legation at Panama $400 worth each of beans and corn, $100 each of rice and flour.

Weitzel.

File No. 817.48/6.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, August 23, 1912.

I have issued to date in Managua through Navy Surgeon Stibbens, to the non-combatant deserving poor of whatever persuasion, about one-third of the provisions consigned to me by the American Red Cross. It was my intention to distribute the remainder in León, Masaya and Granada, where the suffering is acute and widespread, but owing to the danger of seizure by armed forces I may for the present be obliged to confine efforts to this vicinity. Any further shipments, of which there will be increasing need, should be confined to corn and beans, which are the staple food for the poor of this country. My two assistants have been Mr. Walter H. Hooper, an American missionary in Managua, and Padre Lezcano, a local Nicaraguan priest noted for his works of charity. They have executed this charity in a most impartial and efficient manner, and not only has suffering been alleviated but a strong sentiment of friendliness and good will has been fostered.

WEITZEL.

File No. 817.48/6.

The Acting Secretary of State to the Secretary of the American Red Cross.

DEPARTMENT OF STATE,
Washington, August 26, 1912.

SIR: Referring to previous correspondence relative to the present situation in Nicaragua, I beg to inform you that the Department is in receipt of a telegram from the American Minister at Managua, Nicaragua, dated August 23rd in which he states [summary of telegram referred to].

I am [etc.]

HUNTINGTON WILSON.

File No. 817.48/18.

The Secretary of the American Red Cross to the Acting Secretary of State.

NATIONAL HEADQUARTERS,
Washington, September 4, 1912.

SIR: Referring to your letter of August 28, 1912,[1] suggesting that the Red Cross could greatly alleviate the suffering which is bound to follow the revolutionary disturbances by making an additional appropriation of $2,000 worth of corn and beans to be distributed in the same manner as the supplies so far sent to Nicaragua, I have the honor to advise you that the Executive Committee hereby authorizes the expenditure of $1,000 additional by the State Department for the above purpose.

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[1] Not printed.

As in the case of the former appropriation of $1,000, a check payable to the Secretary of State will be delivered to you upon the receipt of an account showing the exact amount of the expenditure.

The Red Cross very much regrets that its limited funds will not permit a larger appropriation at this time.

Very respectfully,

CHARLES L. MAGEE.

File No. 817.48/11b.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 5, 1912.

American Red Cross authorizes further expenditure of $1,000. Food supplies will be obtained as previously and shipped to Corinto on first available steamer.

ADEE.

File No. 817.48/17.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Managua, October 2, 1912.

The second car of Red Cross provisions distributed in Granada by Legation clerk to more than 8,000 persons, one day's rations each, preference being given to hospitals, schools, convents, women and children. Fewer than 30 men applied, all of them sick, blind or crippled. Conditions were as bad as reported; delay of another week would have resulted in many deaths. The bluejackets and marines, touched by the pitiful condition of the sufferers, shared their rations with them. The prompt and generous action of the American Red Cross not only afforded the much-needed relief but also created a strong sentiment of friendship among all classes to whom supplies were distributed impartially without reference to affiliation.

WEITZEL.

File No. 817.48/21.

The American Minister to the Secretary of State.

No. 75.]

AMERICAN LEGATION,
Managua, October 6, 1912.

SIR: I have the honor to submit the following report on the distribution of two car-loads of food supplies sent to Nicaragua by the American Red Cross.

The first car consisting of flour, corn, beans, rice and potatoes to the value of one thousand dollars, left the Panama Canal Zone on August 9, 1912, in charge of Major Smedley D. Butler, U. S. M. C., and was received in Managua on the 15th of that month.

The Legation requested a committee of Americans, including Messrs. Otto Schoenrich, A. R. Thompson, C. D. Ham, A. J. Lindberg, and J. A. Whitaker, to take charge of the provisions under instructions to relieve all cases of distress irrespective of affiliation of the applicants; but as they were unable to attend to the matter on account of departure from the city or other reason, the Legation decided to do the work itself. Mr. Walter H. Hooper, an American missionary, and Padre J. A. Lezcano, a well known Nicaraguan priest, kindly offered to assist in investigating needy cases. Signed tickets good for five rations were then issued to the applicants, who presented them to Mr. William Gower, assistant paymaster of the United States Navy, at the railroad station where two-fifths of the carload were distributed, beginning with the flour and potatoes which deteriorate very rapidly in this climate.

The remaining three-fifths were taken to León where Lieutenant Colonel Charles G. Long, U. S. M. C., distributed them through the Hospital San Vicente and the Sisters of Charity, reserving a portion however to feed one hundred and twenty-five prisoners who had been sadly neglected during the hostilities in that town.

The second carload donated by the Red Cross consisted of 10,000 lbs. of beans and 7,140 of cornmeal, these two staples being the principal articles of food for the poorer classes in Nicaragua. Having been despatched from the Canal Zone on September 7 the consignment reached Managua on the 14th of that month and was started the next morning to Granada under the personal charge of the clerk of the Legation, arriving there after being fired on at the Barranca on Sunday, September 22. The distribution was promptly begun from a central station even before the disarmament had taken place. Great assistance was rendered by Dr. Juan I. Urtecho, an elderly gentleman of wide reputation for impartial charity who has devoted many years of his professional life as a physician to gratuitous practice among the poor and who before the arrival of the Americans had fed at his own expense hundreds of famished people. Several of the Granada ladies kindly volunteered their services in placing the tickets with deserving families, and Private Baldwin, U. S. M. C., supplied the holders of the tickets with the number of rations thereon designated, nearly 8,000 in all being thus disposed of. A gratifying feature of the distribution of supplies was the small number of men who appeared in line, and even those few were maimed, sick or blind. The Red Cross and San Juan Hospitals, the French College for girls and the schools were given the first attention.

There was urgent need of help as many poor families had been forced for a long time to subsist on green mangoes, and some deaths had already resulted from starvation, but the timely arrival of supplies quickly relieved the situation. Children who crowded around the camp were fed by the enlisted men out of their own rations, and a carload of corn and flour donated by the American colony in Managua was distributed among the sufferers.

As soon as order was restored the farmers from the surrounding territory brought their products to market, and the railroad resumed transportation of supplies which had been accumulating in Corinto, so that conditions at Granada and elsewhere should begin gradually to improve, although it will be some time before the people will cease to feel the depression caused by the failure of crops for two successive years and by the hardships suffered during the present disturbances.

The prompt and generous action of the American Red Cross has won expressions of deep appreciation from those who have been helped, and has created the kindliest feeling among all classes of people in Nicaragua.

The Department is respectfully requested to transmit to the association the accompanying packages of tickets and receipts for rations issued.

I have [etc.]

George T. Weitzel.

File No. 817.48/22

The American Minister to the Secretary of State.

No. 76.]

American Legation,
Managua, October 10, 1912.

Sir: I have the honor to enclose a copy of a letter[1] from the French consular representative in Nicaragua requesting me to forward to Granada food supplies furnished by him to certain of his nationals who have had to endure the hardships imposed on foreigners and natives alike by Mena's lawless bands. The Legation was of course glad to be able to comply with the request.

I am also transmitting copies of letters[1] received from Americans and other residents of Granada, briefly describing conditions which recently prevailed in that city under the Mena régime.

I have [etc.]

George T. Weitzel.

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[1] Not printed.

PANAMA.

SUPERVISION OF ELECTIONS BY THE UNITED STATES.

File No. 819.00/349.

The American Minister to the Secretary of State.

[Extract.]

No. 21.]

AMERICAN LEGATION,
Panama, December 6, 1911.

SIR: I have the honor to inform you that little of importance in the political situation has occurred since my arrival here and that everything continues to center around the coming presidential elections, notwithstanding their comparative remoteness. President Arosemena is apparently most anxious to secure his reelection, and for the purpose of satisfying (as his partisans claim) the constitutional requirement is generally expected to avail himself early next month of the leave of absence granted to him by the Supreme Court.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.00/352.

The American Minister to the Secretary of State.

[Extract.]

No. 36.]

AMERICAN LEGATION,
Panama, December 29, 1911.

SIR: I have the honor to report that Señor Ricardo Arias, who was some months ago appointed Panaman Minister to the United States and who, as reported in my telegram of yesterday's date, left yesterday for this post, called upon me the day before his departure saying that before leaving Panama he wished to again talk over his political plans and those of his friends. He did not wish for any intervention by the United States, but considered that if his plans were to have any chance of success the American Government must exercise a certain moral influence over the Government of Panama, which it would be entirely willing to accept. Moreover, if the Government of Panama was allowed to go on as it had been going on, an intervention by the United States must eventually ensue. He believed in order to preserve the existence of the Government of Panama, especially that the suffrage should be limited and that Panama and Colon should be made free ports, that there should be some means of rigidly controlling the expenditures of the Government and that there should be an entire reform of the present administrative departments, and particularly the school system, all of which were extremely inefficient. He and his friends were resolved to support President Arosemena's candidacy for the next presidential elections, as they considered him a good man although he had faults.

President Arosemena's friends had recently discreetly sounded Señor Boyd, Minister for Foreign Affairs (who is the Second Designado), as to his willingness to assume charge of the Executive Power when President Arosemena availed himself of the leave of absence granted to him. Señor Boyd had let it be known that he would not be willing to assume charge, as he considered himself also to be a candidate and this would render his candidacy constitutionally illegal. Personally he did not believe that Señor Boyd had much chance of being chosen a candidate unless the American Government decided to support him, which he thought Señor Boyd expected to be the case. The two candidates would undoubtedly be Dr. Porras and Dr. Arosemena. Dr. Samuel Lewis, Señor Rodolfo Chiari, and Señor de Icaza he thought had no real chances of being candidates.

In reply I expressed my great interest in all he had told me, but reminded him of my former statement to him (Despatch No. 5) to the effect that the American Government "will take no part in and indicate no preference as to this election." This attitude of my Government, I added, must by this time be well known to all the leading men of Panama, especially as it had lately been reiterated by the President of the United States in his message on foreign affairs to the Congress of the United States. Señor Arias admitted this to be true, but he evidently hopes, perhaps through his own efforts in Washington, to be able to secure some change in it for the benefit of his candidate.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.00/357.

The Secretary to the President to the Secretary of State.

THE WHITE HOUSE,
Washington, January 23, 1912.

DEAR MR. SECRETARY: For your information I send you a copy of the dispatch which the President this afternoon sent to Colonel Goethals.

Sincerely yours,

CHARLES D. HILLES.

[Inclosure.]

The President to Colonel Goethals.

THE WHITE HOUSE,
Washington, January 23, 1912.

I wish you would communicate confidentially and discreetly to Federico Boyd that we of the American Government hope that when President Arosemena leaves he will remain to take his place by virtue of his present office as *secundo designato* during the six months prior to election. Impress on him that we think that his exercise of the office is needed to steady matters in the Republic and that if he abandons the government at this time it will bring about a situation not favorable to the future prosperity of Panama.

WM. H. TAFT.

File No. 819.00/356.

The American Minister to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

AMERICAN LEGATION,
Panama, January 27, 1912.

The Minister of Panama at Washington has been instructed to consult the Department of State as to whether the American Government would be willing to supervise the elections. Mendoza tells me that such supervision would appear to be the only way to secure absolute impartiality.

The intention of President Arosemena to take leave on February 2 was officially communicated to-day to the Supreme Court.

Boyd, the Second Designate, is opposed to Arosemena's candidacy. The latter has instructed the Minister of Panama to consult the Department as to his constitutional eligibility.

DODGE.

File No. 819.00/358.

AMERICAN LEGATION,
Panama, January 31, 1912.

The Second Designate, Boyd, has formally declined to assume the executive power.

DODGE.

File No. 819.00/360.

AMERICAN LEGATION,
Panama, February 1, 1912.

The executive power has been accepted by the Third Designate, Chiari.

DODGE.

File No. 819.00/364.

The Minister of Panama to the Secretary of State.

[Translation.]

No. 4.] LEGATION OF PANAMA,
Washington, February 5, 1912.

EXCELLENCY: I have the honor to inform your excellency that Señor Don Rodolfo Chiari assumed on the 1st day of this month the Executive Power of the Republic of Panama in his capacity as Third Designado, by reason of the leave granted the First Designado in Charge of the Executive Power, Dr. Pablo Arosemena.

I have [etc.]

RICARDO ARIAS.

File No. 819.00/387.

The American Minister to the Secretary of State.

[Telegrams.—Extracts.—Paraphrases.]

American Legation,
Panama, April 25, 1912.

The Porras party committee has left a petition, which goes in the pouch tomorrow, requesting supervision by the United States of the registration of voters, in view of the grave electoral situation and in order to give proper guaranties to their opponents; such supervision to begin as soon as possible, as registration will close on May 15. The petition also requests supervision by the United States of both the municipal elections (June 30) and the presidential elections (July 14 and August 2). Numerous supporting documents accompany the petition.

Dodge.

File No. 819.00/390.

American Legation,
Panama, May 4, 1912.

President Arosemena assures me that he desires supervision of the elections to the extent necessary to ensure fairness.

A letter requesting supervision of registration by the United States has been written to the President and sent to the Minister of Panama at Washington by the Committee of the Patriotic Union. This supervision is desired as soon as possible.

Dodge.

File No. 819.00/395.

The American Minister to the Secretary of State.

[Extract.]

No. 127.]

American Legation,
Panama, May 8, 1912.

Sir: Referring to my despatch No. 126[1] of the 25th ultimo and supplementing my telegram of the 4th instant, I have the honor to enclose a copy of the letter sent on the 28th ultimo by the Committee of the Unión Patriótica to Señor Ricardo Arias, Panaman Minister in Washington, addressed to the President of the United States, requesting complete supervision by the United States of the registration of voters and later of the voting for President of the Republic. In speaking of this letter President Arosemena has informed me that he had instructed Señor Arias to add to it an emphatic statement of his own desire, as head of the Government, for supervision of all the electoral machinery, this to have such an extension as to ensure absolutely pure elections. To-day President Arosemena has informed me that he has received a telegram from Señor Arias to the effect that he had presented the letter on the 6th and that it would be considered shortly by the Cabinet.

I have [etc.]

F. Percival Dodge.

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[1] Not printed; incloses a letter from the committee of the Porras party referred to in the telegram of April 25. (File No. 819.00/391.)

[Inclosure.—Translation.]

The Unión Patriótica to the President.

YOUR EXCELLENCY: We, the undersigned, all belonging to the executive committee of the Patriotic Union, which is the political coalition that maintains the present Government in power and which has proclaimed and now upholds the candidature of Don Pedro A. Díaz, have the honor to address Your Excellency, begging Your Excellency to be good enough to order the intervention by the Government of which Your Excellency is the head, in the approaching elections of Panama, in order to watch the conduct of the election boards and of the Government. The line of action followed by the party that has proclaimed the candidature of Doctor Belisario Porras is creating in this country a very dangerous situation and may entail consequences of extreme gravity.

The opposition have a majority in all the election boards. One of these, the municipal committee for elections, has by law the duty to draw up the lists of all the citizens who, according to the constitution, are entitled to vote. Duty and honor demand that these lists should be drawn up with strict fairness; that is to say that the name of every citizen without exception should be included in them. But the persons who form the majority in these boards think otherwise, and therefore in nearly every district of the Republic they intentionally omit to insert the names of persons who are friendly to the Government or to the candidature of Señor Díaz, a citizen who has made himself conspicuous on account of his virtues, which are universally recognized and esteemed. On the day of the elections only those citizens whose names are in the lists will be able to vote. The course of conduct followed by the majority of these boards will produce, as a necessary result, elections that do not convey the true state of public opinion in the country. In order to acknowledge and uphold the rights of a considerable number of citizens it would be necessary to take prompt action to cure the evil referred to, which, if it continues, will undoubtedly jeopardize the preservation of public order. The proceedings of the election boards show their moral character and the notion they have of their own strength. If they count with the majority of the electorate, why is it necessary for them to prevent their opponents from voting?

We further ask for the intervention of the Government of the United States in the approaching elections, so that it shall be recognized that the conduct of the Government of Panama, which has been unjustly charged with the commission of arbitrary acts in order to impose the candidature of Señor Díaz, is perfectly correct and entirely according to law and political morals. We are confident in the belief that it would not be possible to point to a single act of the Government that would have the character that is imputed to it by our enemies.

The intervention by the Government of the United States in the elections of the Republic of Panama would not be a novel act. There is the precedent of 1906, in which Your Excellency, as Secretary of War, had a considerable part.

The object involved in this petition, which is no other than the preservation of peace in the Republic of Panama, assures us that it will be entertained and acted upon by the illustrious Government of the United States, the nation that guarantees the independence of this Republic.

File No. 810.00/392a.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 9, 1912.

Telegraph immediately whether Porras and Díaz themselves favor American supervision of registration and election, so that the request is in fact made by the Government and both political parties. Do you recommend our acquiescence? Could a committee, consisting of yourself as chairman, Colonel Goethals and Governor Thatcher, devise suitable measures after consulting the Government and both parties?

WILSON.

File No. 819.00/393.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, May 9, 1912.

Porras and Díaz both absent in the interior, but the leaders of both parties have to-day affirmed to me over their signatures that Porras and Díaz both desire American supervision of registration and election. This I believe to be true. The written statements were signed for Porras by Mendoza, Valdés and Chiari; for Díaz by President Arosemena. I recommend our acquiescence, and believe the committee as described could devise suitable measures in the manner indicated, as Governor Thatcher is on leave. President Arosemena has asked me by a note just received to urge my Government to accede to the request of the Government of Panama.

DODGE.

File No. 819.00/396.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
May 10, 1912.

MY DEAR MR. PRESIDENT: I have the honor to inform you that the Republic of Panama is approaching the third quadrennial election of a President, and the political conditions seem at present to be somewhat disturbed.

Dr. Belisario Porras, formerly Minister here, is the candidate of the Liberal Party, and Pedro Díaz of the Conservative Party. Some Liberal support seems to have gone over to Díaz, and the organization actively supporting him is known as Unión Patriótica.

The Liberal Party is in control of the election boards throughout the country, and the Unión Patriótica is receiving the active support of the present Government, which is in control of the police and officials. Mr. Dodge, the American Minister at Panama, has reported one quite serious riot, and press reports indicate other disturbances that have resulted since the candidates began their campaign speech making. Several leaders of the Unión Patriótica addressed a communication to the Secretary of State while he was on the Isthmus, requesting intervention of this Government in the elections. Mr. Dodge telegraphs under date of May 4 that the committee of the Unión Patriótica had sent to the Panaman Minister here a letter addressed to you, requesting complete supervision as soon as possible by this Government of the registration of voters, and later complete supervision of voting.

Minister Dodge has also forwarded to the Department a very comprehensive petition of the Porras (Liberal) party, requesting our intervention in the form it took in 1908.

On May 6 the Panaman Minister at Washington left with the Department a note, a translation enclosed herewith, which, on behalf of his Government, requests this Government to intervene. Mr. Dodge has also stated in a telegram, dated May 4, that "President Arosemena assures me that he desires supervision of the elections to the extent necessary to ensure fairness."

In order that the Department might be assured that the candidates themselves desire supervision of registrations and elections by this Government, a telegram was sent to the American Minister at Panama on May 9 inquiring whether Messrs. Porras and Díaz themselves favored American supervision of registration and election, in order that the Department might be informed whether this in fact was requested by the Government and by both political parties. The Department also asked whether Mr. Dodge recommended our acquiescence and whether a committee consisting of himself as chairman and Colonel Goethals and Governor Thatcher could devise suitable measures, after consulting the Government and both parties.

To this telegram Mr. Dodge has replied that both Porras and Díaz are absent in the interior, but that Messrs. Mendoza, Valdés and Chiari, the principal directors of the Porras party, had yesterday affirmed to him over their signatures that they know that Porras himself favors American supervision of registration and election, and President Arosemena has affirmed over his signature to Mr. Dodge the same regarding Señor Díaz. The Minister states that he believes there can be no doubt but that this is true, and recommends our acquiescence in the request for supervision which has been made by the Government and by both political parties, as it appears to be the only way of avoiding serious disturbances and securing fair elections. Mr. Dodge also says that he believes the committee described in the Department's telegram could in the manner indicated devise suitable measures, and that Governor Thatcher is at present on leave.

In view of the circumstances, and of the importance of having orderly and fair elections at Panama, I recommend that this Government consent to intervene and supervise the registration and, if necessary, the voting; and upon the indication of your pleasure in this matter I shall be glad to take it up with the proper departments, so that we may help Panama to hold a fair election.

In this connection I may point out the importance of despatch, as the registration under ordinary circumstances would close on May 15, but, as indicated by Mr. Dodge, will be probably continued until the last of this month.

I have [etc.]

HUNTINGTON WILSON.

The Minister of Panama to the Acting Secretary of State.

[Translation.]

No. 15.]

LEGATION OF PANAMA,
Washington, May 6, 1912.

EXCELLENCY: Until the Panaman people, who are having their first trial of self-government, shall have received proper education, taught by experience, and shaped their system of voting in conformity with their very peculiar conditions, which is the aim of a group of patriots who wish to bring stability, steadiness and honesty into the Republic's administration by endeavoring to introduce into the elective franchise such limitations as will make it the true expression of public opinion and so make it respectable, it will be impossible to prevent disturbances or frustrate the purpose of seeking unlawful advantages in the great mass of ignorant voters, who form the great majority of our electorate.

Our short experience shows that whenever an election has taken place since the first one for President, which went to the one candidate, Dr. Manuel Amador Guerrero, more or less well-founded complaints have been made in which the friendly intervention of this Government was sought under Article 136 of our Constitution.

Thus in the elections of 1906 for members of the Legislative Assembly, the Liberal Party complained of the electoral registration in the city of Panama, and upon the intervention of Minister Charles E. Magoon, in conference with the Commissioners, Dr. Pablo Arosemena for the complaining Liberals and the undersigned for the Constitutional Party, a satisfactory arrangement was reached whereby a common candidacy was adopted by both parties, and it was religiously observed.

In 1908, before the presidential elections, the party styled "Coalición Republicana," in memorials by the Liberals and Conservatives belonging to it, brought grave charges against the Constitutional Party then in power as to the manner in which the lists of voters were being made. The Government, of which the undersigned formed part as Secretary of State, invited a joint Panaman-American investigation; in this investigation it was found that the electoral lists had been drawn up as regularly as our inexperience permitted and without evil purpose; furthermore, the suggestion offered by the Commission appointed by the Honorable William H. Taft, then Secretary of War, now President of the United States, were heard and heeded.

The same conditions occur again to-day, with identical results, and the Liberal Party—which holds absolute control of all the electoral colleges, as they are constituted by a majority of members elected ad-hoc from that party—is making the list of voters so as to favor its followers and hurt its opponents by excluding under more or less veiled pretenses many of the members of the Unión Patriótica. Such is the purport of many complaints of the last-named party to the Government and denunciations published by the press.

The electoral colleges enjoying absolute autonomy, the Executive Power has no authority to intervene in the drawing up of the lists of voters and to enforce respect for true and pure elections, in order to give satisfaction to that respectable and large part of community which complains of its being deprived of its principal political right.

Under these very difficult and alarming circumstances, I have received express instructions from my Government to solicit the benevolent and friendly intervention of your excellency's Government to the end that the electoral registration shall faithfully and exactly express the number and identity of the electors and that the balloting be pure, thus vesting the right of suffrage with all the respectability that its present defective organization allows.

The above-cited precedents which have had the concurrence, consent and participation of the various political factions of Panama, and the interest your excellency's Government has evinced in the maintenance of constitutional order in the Republic of Panama, inspire me with confidence that the petition will meet with a favorable prompt reception on the part of your excellency's Government, all the more as the electoral lists are to be closed on the fifteenth of the current month of May. To that end my Government offers to assist as far as possible in carrying out such measures as your excellency's Government may wish to take in accordance with established precedents.

With sentiments [etc.]

RICARDO ARIAS.

File No. 819.00/396.

The Acting Secretary of State to the Minister of Panama.

No. 12.]

DEPARTMENT OF STATE,
Washington, May 10, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant,[1] in which you state that you have received instructions from your Government to solicit the friendly intervention of the United States in safeguarding the electoral registration and the balloting in the impending Presidential election in Panama; that the electoral lists will be closed on the 15th of this month; and that the Panaman Government will assist as far as possible in carrying out such measures as this Government may wish to take, in accordance with the precedents which you cite.

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[1] The inclosure with the foregoing letter to the President.

In reply I beg to say that this matter will receive the earnest consideration of this Government.

Accept [etc.]

HUNTINGTON WILSON.

File No. 810.00/308.

The President to the Acting Secretary of State.

THE WHITE HOUSE,
Washington, May 10, 1912.

SIR: I beg to acknowledge receipt of your communication of May 10 in reference to the third quadrennial election of a President in the Republic of Panama and the wisdom of the designation of certain American officials to act by way of arbitration and suggestion in reference to the coming election so as to secure its fairness. A precedent for such action was established in 1908 under Governor Magoon by this Government, and in view of the fact that the President of the Republic, Señor Arosemena, and the representatives of both candidates request it, there seems no objection to following that precedent. You will, therefore, communicate with the Minister, Mr. Dodge, and designate him and Colonel Goethals and the colonel commanding the regiment of infantry now stationed on the Isthmus to act as a committee for the general supervision of the registration and election and for taking such suitable measures, after consulting the Government and both parties, as will secure fairness in the registration and election.

Very respectfully,

WM. H. TAFT.

File No. 810.00/306.

The Acting Secretary of State to the Minister of Panama.

DEPARTMENT OF STATE,
Washington, May 13, 1912.

SIR: Referring to your note of the 6th instant, acknowledged by the Department on the 10th, wherein, on behalf of the Government of Panama, you state that you have received instructions from your Government to solicit the friendly intervention of the United States in safeguarding the electoral registration and the balloting in the impending presidential election in Panama; that the electoral lists will be closed on the 15th of this month; and that the Panaman Government will assist as far as possible in carrying out such measures as this Government may wish to take, in accordance with the precedents which you cite, I have the honor to inform you that the President has decided to accede to this request and that at his direction I am telegraphing the American Minister at Panama to the effect that the President has decided to agree to the request of the Government of Panama and both parties to have the Government of the United

States exercise supervision over the registration and election on the Isthmus, and has instructed this Department to name Colonel Goethals, the colonel commanding the regiment of infantry stationed on the Isthmus, and the American Minister to act as a committee for the general supervision of the registration and election and for taking such suitable means, after consultation with both parties and the Government of Panama, as will result in fairness in the election and registration. The American Minister is designated to act as chairman of the committee.

Accept [etc.]

HUNTINGTON WILSON.

File No. 819.00/393.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 13, 1912.

The President has decided to have this Government supervise the registration and election in Panama, and has directed this Department to designate you as chairman and Colonel Goethals and the colonel commanding the regiment of infantry now stationed on the Isthmus to act as a committee for supervision of registration and election and for taking such suitable measures, after consulting with the Government and both parties, as will secure fairness in the registration and election.

You will inform the Panaman Government of the foregoing and notify the leaders of both parties who have communicated with you of this Government's decision. The Department is communicating with the Panaman Minister here and with the War Department.

HUNTINGTON WILSON.

File No. 819.00/402.

The American Minister to the Secretary of State.

[Extract.]

No. 130.]

AMERICAN LEGATION,
Panama, May 14, 1912.

SIR: I have the honor to acknowledge the receipt this morning of the Department's telegram dated May 13, relative to the President's decision to supervise the registration of voters and the election in Panama, thus acquiescing in the request of the Panaman Government and of both political parties. In accordance with the directions therein I immediately informed President Arosemena and Señor Chiari, Minister for Foreign Affairs, personally, of the substance of this telegram, handing a note to the latter containing a paraphrase of it. I also notified the leaders of both political parties, whom I requested to call at the Legation, further communicating with the other members of the committee designated in the Department's telegram, Colonels Goethals and Greene. In accordance with my suggestion the committee thereupon decided to meet to-morrow, the 15th instant, at the Legation, to hold a preliminary consultation with representatives of the Government and of both parties with a view to beginning as soon as possible the consideration of such suitable measures as to secure fairness in the registration and election. I found that no intimation of our Government's decision had as yet been received either by the Government or the political parties, which all expressed the greatest satisfaction and appreciation.

I have [etc.]

H. PERCIVAL DODGE.

File No. 819.00/399.

The Minister of Panama to the Acting Secretary of State.

[Translation.]

No. 20.]

LEGATION OF PANAMA,
Washington, May 16, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of May 13, in which you inform me [etc.]

Immediately upon receipt of that communication I telegraphed the substance of it to my Government, which will doubtless fully appreciate this additional proof of the solicitude of your excellency's Government for the orderly and constitutional development of the Government of the Republic.

I beg your excellency to express to the President my sincere thanks for having favorably considered the desires of my Government, for which I am also grateful to your excellency.

Accept [etc.]

RICARDO ARIAS.

File No. 819.00/405.

The American Minister to the Secretary of State.

No. 134.]

AMERICAN LEGATION,
Panama, May 20, 1912.

SIR: Referring to my despatch No. 130 of the 14th instant, I have the honor to inform you that the preliminary consultation therein mentioned between the committee and the representatives of the Panaman Government and both political parties for the purpose of considering suitable measures to insure fairness in the registration of voters and the subsequent presidential election took place at the Legation on the 15th instant. I inclose a copy of the report[1] of this consultation, from which it will be seen that the committee decided upon the following measures:

(1) The period for the registration of voters to be extended from May 15 to May 31, the Government agreeing to issue the necessary decrees still further to prolong this period if necessary.

(2) All registration to be supervised by representatives of the committee. To facilitate this all registration places to be arranged in itineraries, upon each of which should be sent one representative of the committee, who would be accompanied by one representative of the candidacy of Señor Diaz and one of that of Dr. Porras. Upon their arrival at each registration place registration to begin and continue

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[1] Not printed.

daily until complete. The maintenance of order in and about the registration places to be entirely under the authority of the supervisor, who, while observing the proceedings, would also use his friendly offices when necessary to compose differences, without, however, having any right to issue any order as to registration.

(3) The Panaman Government to pay all expenses of supervision and to deposit an installment of $7,500 now with the disbursing officer of the Isthmian Canal Commission, who would take entire charge of all accounts, eventually presenting them with vouchers to the Panaman Government.

(4) The Government and each political party to appoint two representatives with whom the committee could confer when it desired to do so.

(5) Regarding the question of adopting the census as a basis for registration, as desired by the Unión Patriótica but opposed by the Porrista party, the committee decided that this was not a question properly for its consideration, it being only concerned with the proper registration of all those entitled and not with what lists might be used in this connection.

These decisions received the unqualified approval of the Government representatives and those of both parties. I may add that throughout the meeting all these representatives appeared disposed to cooperate in assisting the committee to fulfill its instructions.

In accordance with the directions of the committee, I subsequently drafted instructions to be given to each of the supervisors of registration and these were approved practically without change. I inclose a printed copy of them.[1] Copies of these instructions are also to be furnished to the Government and to the representatives of both parties accompanying the supervisors.

I have further made a short code to enable the supervisors to communicate confidentially with the committee.

The committee met again on the 18th instant, no others being present, and agreed to the itinerary prepared by the Panaman Government. As according to this itinerary all registration places are included in thirteen routes, it was decided to send—thirteen representatives only being required—twelve officers of the Tenth Infantry Regiment stationed in the Zone and one officer of the Marine Battalion, also stationed here, all of whom were available and spoke Spanish. The committee considered military officers to be especially adapted to duties of this nature, involving tact, ability to maintain order, and strict compliance with instructions. It considered also the prestige which military men enjoy in this country, the saving of expense to the Panaman Government, as no salaries would have to be paid, and the benefit which the knowledge to be gained of the country would be to the officers themselves.

The Panaman Government has now paid to the disbursing officer of the Isthmian Canal Commission the $7,500 agreed upon, and all arrangements have been completed for the departure of all the supervisors, with the representatives of both parties accompanying them, on the 23d instant, except those for Panama City and Colon, who began supervision yesterday.

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[1] Not printed.

The proceedings of the committee have naturally excited much interest and have been extensively published and commented upon in the press of both parties, especially the Porrista. All comment has thus far been extremely and universally favorable.

I have [etc.]

H. PERCIVAL DODGE.

File No. 819.00/407.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 6, 1912.

The Department has received a telegram from Chiarí, to the following effect: "Constituted authorities, in league with largely increased body of policemen armed with rifles, terrorize citizens, put them in jail without any cause or trial, attack and even murder them. Personal liberty and security do not exist. Complaints to governor have no effect. American intervention should be extended to control police, otherwise public peace may be disturbed at any moment." Department has replied: "The complaint contained in your telegram of yesterday would seem to be a matter proper to be laid before the supervision committee."

KNOX.

File No. 819.00/409.

The American Minister to the Secretary of State.

[Extract.]

No. 141.]

AMERICAN LEGATION,
Panama, June 8, 1912.

SIR: Referring to my despatch No. 134 of the 20th ultimo, I have the honor to report that the supervision of registration has been proceeding satisfactorily and is expected to be completed about the 15th instant.

Registration in Panama City and Colon closed on the 31st ultimo. The supervisors in both places had little difficulty in maintaining order.

Party spirit is running high throughout the Republic, although the excitement in Panama City would seem to have diminished somewhat since the close of registration here. The Government, assisted by the Union Patriotica, is doing its utmost to secure the election of Don Pedro Díaz, using all the various means at its command, especially the police. Cases of alleged oppression of Porristas in numberless different ways and of their arbitrary arrest fill the Porrista press and have been presented lately in considerable numbers to the committee.

The committee has merely filed these cases until recently, when it received corroboration of the active political meddling of the police in Chiriquí from one of the supervisors, Lieutenant Conger. The committee thereupon decided to address Señor Chiarí, Minister for

Foreign Affairs, in this matter, requesting that steps might be taken to prevent the police from "any participation in the actions of either political party."

In this connection I have the honor to acknowledge the receipt of the Department's telegram of June 6, quoting certain telegrams received from Don Rodolfo Chiarí, lately Acting President of the Republic and one of the Porrista leaders, as well as the Department's reply thereto. Señor Chiarí's description therein of the political situation is undoubtedly exaggerated, although some foundation for each of his statements exists, as will be noted from the foregoing. So far, at all events, the committee is not prepared to recommend to the Department the adoption of Señor Chiarí's suggestion that American intervention should be extended to the control of the police.

The committee is now taking steps to secure the necessary supervisors of voting, who will have to be about 180 in number, in order to provide two for each polling place. On the 25th ultimo Colonel Goethals addressed a telegram to the War Department inquiring whether Army, Navy, and Marine Corps officers could be furnished for this purpose. Meanwhile the committee, aided by Lieutenant Colonel Hodges, acting chairman of the Isthmian Canal Commission, is selecting such men here as are available and appear suitable for this purpose. I have also prepared for the committee's consideration a draft of the instructions to be given to these supervisors.

The committee has decided and the Government has agreed to publish in the Gaceta Oficial all such of the committee's acts, including the foregoing, as it may desire. This was considered desirable by the committee, both to give these acts greater publicity and to show the Government's acquiescence in them.

I have [etc.]

H. PERCIVAL DODGE.

File No. 819.00/408.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, June 9, 1912.

Government and both parties request supervision to include election for municipal council to take place June 30 in all municipalities. Committee recommends it, since otherwise this election will not be fair and disturbances may be anticipated which will have a serious effect upon presidential electoral situation. Referring to Department's telegram of May 13, was this supervision therein included?

Registration is proceeding satisfactorily and will be concluded on June 15. Party spirit remains high and numerous complaints of oppression and electoral interference by Government officials, some of them corroborated by supervisors, have been received from the Porras party. Committee has brought these to the Government's attention.

Regarding Department's telegram June 6, Chiarí exaggerating situation.

DODGE.

File No. 819.00/408.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 10, 1912.

This Government is glad to accede to the request in your telegram of June 9, to include in supervision election for municipal council.

KNOX.

File No. 819.00/411.

The American Minister to the Secretary of State.

[Extract.]

No. 149.]
AMERICAN LEGATION,
Panama, June 14, 1912.

SIR: Referring to my despatch No. 141 of the 8th instant, I have the honor to report that the supervisory committee received on the 8th instant a reply from Señor Chiari, Minister for Foreign Affairs, to its note of the 5th instant inclosing complaints as to police interference and improper telegraph censorship.

On the 10th instant the committee addressed a note to Señor Chiari stating that it had come to its attention that the presidents of the registration boards of Macaracas and San Carlos were being held in prison. The committee expressed the belief "that, analogous to the provision of the Panaman law, which gives immunity from arrest in civil cases to voters during the voting period, like immunity should be given in criminal cases, except those of a grave nature, amounting to felony, to the election officials until after the elections are over." The further correspondence upon this subject is contained in Señor Chiari's reply of the 11th instant, the committee's note of the same date, and a further note from Señor Chiari, also of the same date, as a result of which the presidents of the election boards in question were released and the immunities suggested by the committee were granted by the Government.

On the 10th instant the committee was advised by the collector of customs of the Isthmian Canal Commission that 25 cases of rifles, 2 cases of scabbards, and 167 cases of cartridges had arrived in Colon by the S. S. *Prinz Joachim*, consigned to the Secretary of the Treasury of the Panaman Government. Colonel Greene and Judge Feuille, I myself being still unable to go out, immediately called upon Señor Chiari and informed him of the foregoing, adding that in view of the electoral situation the committee considered the use of these arms by the police most inadvisable and that unless the Panaman Government was willing to assure the committee that no use would be made of them until after the elections the committee would consider itself bound to inform its Government at once of the matter. Señor Chiari replied that if the Government was prevented from receiving these arms, which were generally known to have arrived, this would cause it a loss of prestige which would be extremely dangerous under the present conditions. On the other hand, if the Government was allowed to receive these arms it was prepared to guarantee that they would not leave Panama City during the electoral period, and, further, that during this period the entire police of the Republic would be under the orders of the committee, conforming absolutely to its orders, both as to measures to be adopted during these days and as to the arms then to be carried. Señor Chiari then requested an opportunity to confer with President Arosemena.

On the following day the committee called upon President Arosemena, at his invitation, and he repeated Señor Chiari's assurances, agreeing, at the committee's request, to put these assurances in writing. The committee thereupon withdrew its objections, considering that the assurances given rendered this increase in the armament of the police entirely unimportant.

The committee has been taking steps to secure the necessary supervisors for the voting, about 200 of whom will be required, and will undoubtedly be able to secure this number of suitable men from the Tenth Regiment, the Marine Battalion, and the Isthmian Canal Commission. A number of these men who go to inaccessible districts will be obliged to leave on the 22d instant and can not return until after the election for presidential electors on July 14.

I have [etc.]

H. PERCIVAL DODGE.

File No. 819.00/410.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, June 19, 1912.

Authorization is requested by the supervisory committee to call upon Tenth Infantry Regiment and Marines Battalion in case, contrary to expectations, their assistance should become necessary to preserve order in Panama City and Colon on election days, June 30 and July 14. Committee recommends withdrawal of marines from the Isthmus should not take place before July 14.

DODGE.

File No. 819.00/422.

The American Minister to the Secretary of State.

[Extract.]

No. 152.]

AMERICAN LEGATION,
Panama, June 25, 1912.

SIR: Referring to my despatch No. 149, of the 14th instant, relative to the electoral situation and the measures taken by the supervisory committee, I have the honor to inform you that on the 15th instant the committee met at the Legation and submitted to the representatives of the Government, Señor Chiari, Minister for Foreign Affairs, and the representatives of both political parties (Señores Tomás Arias and Julio Febrega, Unionistas, and Samuel Lewis and

Ramon M. Valdés, Porristas), who had been invited to be present, a draft of proposed instructions to supervisors of voting at the coming municipal and presidential elections. The draft was read paragraph by paragraph, all the representatives present expressing entire satisfaction with it. No alteration was proposed by the Porrista representatives and but a few minor ones by the Government and Unión Patriótica representatives. The principal of these alterations requested related to the hours for opening and closing the polls, which the Unionistas thought might be shortened, and the form in which voters should identify themselves to the voting boards. The former of these requests was finally withdrawn and the draft was altered to meet the Unionistas' desires as to the identification of voters.

On the 18th instant, at the suggestion of Señor Chiari, an additional instruction to supervisors of voting was decided upon by the committee, which was also agreed to by both parties. These instructions have since been printed and translated into Spanish by the Legation, and copies of them are inclosed. Also at the request of the committee these instructions, duly signed by the committee and the representatives of the Government and both parties, have been officially published by the Government, preceded by a decree of President Arosemena approving of them. Further, at the request of the committee, President Arosemena has instructed the Minister of the Interior to send two circular telegrams, one advising all the governors of Provinces of his approval of these instructions, directing them to inform the alcaldes of all districts, and the other informing all governors that the police will be under the orders of the American supervisors during the elections in all that relate to the polling.

Both political parties have now appointed representatives in all the districts to accompany the supervisors, and the Porrista party has issued instructions to its representatives which are modeled upon the committee's own instructions.

The instructions to supervisors, as well as the measures taken relative to them, have been published in extenso in the local press, which has uniformly commented extremely favorably upon them.

Complaints of oppression in numerous different ways are constantly being presented to the committee by the Porrista representatives, while the Government and the Unionista representatives are constantly complaining of the breaches of authority committed by the Porristas and their revolutionary tendencies. These complaints of the Porristas the committee transmits to the Government for its information and investigation. In a few cases where acts of oppression have been corroborated by supervisors, the committee has requested that suitable measures be taken, and in reply the Government has acceded, so far as it is possible to ascertain.

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure 1.]

Instructions to Supervisors of Voting.

Mr. ——— ———:

You are hereby directed to supervise the voting for municipal councilmen and presidential electors of the Republic of Panama, which will take place, respectively, on June 30th and July 14th next, within the district specified in the enclosure herewith, which also states the number of polling places (Mesas de votación) within this district, and the names of the assistants who will accompany you and act under your direction. You will be accompanied, also, by one representative of Señor don Pedro Díaz and a representative of Dr. Belisario Porras. The names of the representatives also appear in the enclosure mentioned. You will proceed to your district, arriving there at least two days before the opening of the polls on June 30th next. Upon your arrival at your district you will immediately inform the local authorities and the several election boards of your presence, and, aided by your assistants, you will carefully compare the various lists of voters in the possession of those boards, respectively, with the general list with which you have been furnished. Should any one of the boards' lists not contain the names of voters that should appear therein according to your list, or should there be names thereon not on your list, you will cause the list not in accord with yours to be corrected so as to make it conform with your list, unless all of the members of the board and the representatives of Señor Díaz and Dr. Porras agree to allow the difference to stand, in which event your list should be made to conform to that of the board in question.

You will then see that the lawful number of suitable voting places has been provided for, and especially that these places are large enough and conveniently located as to allow the voters free and easy access to them, and that they are not crowded, and that they are so situated as to facilitate as much as possible the maintenance of order. In determining upon the polling places to be selected, you will consult the Municipal Council and the representatives of Señor Díaz and Dr. Porras, but you will be governed by your own judgment. You will see that proper arrangements are made for polling at all of the polling places, including the necessary stationery and other necessaries.

You will see that no one is present at the respective voting places during polling hours, except the members of the election board, one representative of Señor Díaz, one representative of Dr. Porras, and yourself or your assistants, in addition to the voters while depositing their votes. You will see that the public is not permitted to approach nearer than 50 feet on any side of the voting place, and this exclusion will extend to everyone except the board, the representatives of the two parties, the voters while depositing their votes, yourself, or your assistants, as above stated.

The polls shall be open at 7 o'clock in the morning, and notice of such opening shall be given by the beating of a drum, or in any other manner sufficient to advise the public that the hour for voting has commenced, and the polls shall remain open until 5 o'clock p. m. of the same day, when a similar notice to the public shall be given of the closing of the polls. It might be well for you to have all of the watches or clocks of the different boards set to conform with your own timepiece, or such other one as you may select, before the polls are opened, so as to secure uniformity of time in all the polling places in the opening and closing of the polls.

From the time of your arrival at your district, you and your assistants are to have charge of the maintenance of order there and especially at and about the polling places, and in addition it shall be the duty of yourself and your assistants to take all necessary measures to prevent the voters from being intimidated, coerced, or having frauds perpetrated upon them in going to the polls, or while depositing their votes there, or while returning thence to their homes, and your authority in this respect will extend throughout your district. Article 60 of Law No. 89 of 1904, on the subject of popular elections, provides that during the hours of voting no one having the right to vote shall be arrested or detained, neither shall he be obliged to appear before the public authorities in any civil proceeding which may interrupt the period of time set aside for the voting. It shall be your duty and that of your assistants to see that this provision of the law is faithfully complied with in your district.

You may call on the police force, or any member thereof, in your district, to aid you in the maintenance of order in and about the polls, and elsewhere in your district when necessary to prevent intimidation, coercion, or fraud in connection with the elections, and you are advised that the police force of the Republic has been placed under the orders of the Supervisory Committee by the President of the Republic for the purposes above mentioned. You will probably find it advisable to have such police as you require armed only with the baton.

During the voting period you will probably find it advisable, in observing the proceedings at the several polling places, to circulate about the streets not immediately around the polls, so as to ascertain whether any interference is offered to persons desiring to cast their votes. Should you discover any such interference, you will call the local authorities and police to put a stop to it, and in case of their failure to do so you will advise the undersigned by telegraph.

The President of the Republic has decreed that no intoxicants shall be sold from 12 o'clock midnight, of June 29 to 12 o'clock midnight, of June 30, next, and from 12 o'clock midnight, of July 13 to 12 o'clock midnight, of July 14 next, at places where the elections are held. You will see that the decree is properly observed in your district. In addition, the representatives of the respective political parties have agreed, with the sanction of the representatives of the Government and of the Supervisory Committee, to instruct all local party leaders not to give away intoxicants during the same periods.

No person should be allowed to vote whose name does not appear upon your list corrected as above described.

Either of the representatives of the two parties present at the voting place may challenge the right of any person offering to vote who is unknown to any member of the election board (jurado). If the person is identified as one whose name appears upon the registration list by his own verbal statements under oath he shall be entitled to cast his vote without delay or discussion.

Privates of the police force shall cast their votes singly and in such a way as to be free from any compulsion on the part of their superiors. Neither officers nor privates of the police force shall have any preference shown them over civilians in casting their votes.

You will endeavor, in a tactful manner, to have the voting proceeded with as rapidly as possible, so that all lawful voters may freely appear and cast their votes. Upon the closing of the polls the counting of the votes cast shall be proceeded with forthwith, and during the count you will take such measures as may appear necessary to preserve order. In case it is not possible to proceed at once with the count you will take such steps, aided by your assistants, as will prevent any tampering with the votes prior to their being counted.

The counting of the votes will be done by the election boards in your presence or that of one or more of your assistants. You or they will carefully observe the counting, and should any irregularity occur in the same you or your assistants will endeavor by friendly council to induce the board to correct it. Should the board fail to do so, you will report such irregularity by telegraph to the undersigned.

Article 103 of the above-mentioned election law declares an election shall be null;

First: When it does not take place on the days fixed by law.

Second. When the voting has not taken place in the presence of at least an absolute majority of the members of the board (jurado).

Third. When, during the hours of voting, violence has been exercised toward the board by private individuals or by the authorities with arms or without arms, provided the violence exercised has caused disorganization or panic in the board and has obliged them to leave the place of voting.

Fourth. When violence has been exercised against the canvassers of the votes, when by reason of such violence the urn has been destroyed, or when the ballots have been mixed or confused with others, or the ballots have been lost, or when a declaration of the result has been made which does not conform to the true result.

Fifth. When the voting has been suspended by the board before the hour fixed, when the list of voters is not put up where it may be examined by the public, or when it is shown that the one that has been put up has been falsified or altered.

Seventh. When the voting has not commenced two hours after the time fixed by law. (As above stated, the hours for polling are from 7 a. m. to 5 p. m., instead of from 8 a. m. to 4 p. m., as provided by Law 89 of 1904.)

You are instructed that if any one, or more, of the conditions mentioned in Article 103 should occur in your district, or if by acts of intimidation or by threats or fraud any voters in your district are not permitted to cast their votes, you will immediately notify the undersigned of that fact by telegraph, and if after considering your report the Supervisory Committee is of the opinion that the acts reported by you have materially affected the result of the election, the committee will then take the necessary steps to have the election at such place declared null and void and a convenient date fixed for another election in your district.

You will telegraph to the undersigned any matters of importance as they may arise, and as soon as possible after the close of the proceedings you will inform the undersigned by telegraph briefly as to the character of the day's proceedings, whether orderly or not, and the number of votes cast for the candidates of each party, marking all of your telegrams "urgente."

You will deliver a full written report to the undersigned upon your return to Panama City, accompanying it with the list of voters handed to you by him. The local authorities and election board within your district have been duly advised by the Panaman Government of your and your assistants' designation, and all proper directions have been issued by the Panaman Government to enable you and them to fully carry out the foregoing instructions.

Copies of these instructions have been furnished to your assistants. You will, however, take an early opportunity to go over these instructions with them so as to insure a due understanding of them and secure efficient and well coordinated action between yourself and your assistants.

Regarding your conduct during your trip, you and your assistants will always be careful to maintain an absolutely impartial attitude and be courteous and tactful in your dealings with all those with whom you come in contact. You will discharge your duties and execute your instructions with firmness, however, but avoid discussing the political situation further than is absolutely required in the discharge of your duties. You will use your best efforts to avoid friction, to settle by friendly advice any controversy which may arise, and, in short, you will do all in your power to secure the results desired by the Supervisory Committee, which is to secure the voting of all persons entitled to do so in the municipal and presidential elections.

A sum of money sufficient to cover your own and your assistants' expenses during your trip will be handed to you by the disbursing officer of the Isthmian Canal Commission, to whom you will make a full accounting supported by vouchers upon your return to Panama City. With this sum you will pay for your own and your assistants' transportation, lodging, board, and other necessary expenses.

The Government of Panama will do everything possible to facilitate your trip.

H. Percival Dodge,
American Minister,
Chairman Supervisory Committee, American Legation, Panama.

June 15, 1912.

[Inclosure 2.]

Additional Instructions to Supervisors of Voting.

If a member of the board of elections, and his substitute, should fail to appear at the hour fixed for the opening of the polls, or if present should refuse to act, you will see that this vacancy on the board is filled in accordance with Article 30 of Law 89 of 1904.

If the membership of an election board present and acting should be reduced below an absolute majority thereof at any time during the voting hours, from any cause, you will appoint a sufficient number of persons to act on the board to make up the requisite absolute majority of membership, after conferring with the representatives of both parties; but in making the appointments you will use your own judgment.

The person so appointed by you shall act until the regular member of the board, or his substitute, appears and takes his place thereon.

H. Percival Dodge,
American Minister,
Chairman Supervisory Committee, American Legation, Panama

June 18, 1912.

File No. 819.00/417.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, June 28, 1912—1 p. m.

Porras's supporters are said to be padding election registers in Panama and Colon with men from Chorrera, Arraijan, and Chagres. The registers used in the municipal elections, it is also reported, will be those used on the national election day. The Department has received this information from the Minister of Panama and transmits it to you for investigation and appropriate action by supervisory committee.

The Minister has further made complaint that you have opposed the making public of a personal letter from the President to Acting President Arosemena thanking him for his congratulations on renomination, and he requests the President's permission to have this letter made public, saying that an exchange of telegrams between the President and Porras has been made public and is being used as political capital. There is no objection to making this letter public, provided it be distinctly understood that both this letter and the telegrams to and from Porras are of a purely personal nature, have absolutely no bearing on the present elections, and can not possibly be distorted into the expression of favor of the United States for one or the other candidate. The attitude of this Government, as is well known, is one of absolute impartiality, its friendship being for the people of Panama and its concern being that the people of Panama shall elect and maintain a good government responsive to its obligations.

KNOX.

File No. 819.00/410.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 28, 1912—3 p. m.

Your June 19. The marine detachment will not be withdrawn. Orders have been issued authorizing, upon your recommendation, the use of marines and infantry to preserve order on election days in Panama and Colon. Should it become indispensable for these forces to be used, you will previously notify Panaman authorities, informing them that such action is taken for the maintenance of public order.

KNOX.

File No. 819.00/415.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, June 30, 1912—8 a. m.

Department's telegram June 28, 1 p. m., regarding statements by Minister of Panama. According to the committee's instructions to supervisors of registration, agreed to by the Government and both parties, all complaints as to registration might be brought before the committee. Several complaints as to registration in Panama and Colon relative to men alleged to be properly from Chorrera, Arraijan, and Chagres were made to the committee, which, hearing both parties, rendered decisions in accordance with the facts before them and the laws and customs of the country.

The committee did not oppose publication of the President's letter, provided publication was in such form and with such comments as not to distort its proper character. But it did oppose publication for electoral purposes of a huge circular giving in conspicuous type the text of the letter.

President of Panama and Panaman Government have lately shown a strong disposition to restrict powers of supervisors, although previously agreed to by them and both parties and published in a decree, and to obstruct the supervisors in the exercise of these powers considered necessary by the committee to secure fair elections. The committee has been compelled to appeal to the President several times to induce him to execute his agreement, and although he has now again promised to do so, the committee is not yet entirely satisfied of his good faith.

File No. 819.00/416.

The American Minister to Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, June 30, 1912—11 p. m.

Panama and Colon municipal elections and 20 other of 61 districts of the Republic are all so far heard from, and all passed off satisfactorily. No disturbances of consequence. Porras candidates elected by large majority in nearly all districts.

DODGE.

File No. 819.00/427.

The American Minister to the Secretary of State.

[Extract.]

No. 153.]
AMERICAN LEGATION,
Panama, July 1, 1912.

SIR: * * * Election day itself passed off practically without disorder in Panama City, and all the voting arrangements made by the supervisor proved satisfactory. There were, of course, a few rows. Certain officers of the Panaman police attempted at first to interfere with voters, but were soon made to desist; and there was undoubtedly much repeating by both parties. It will be practically impossible to stop this until a new voting system is adopted. In Colon proceedings also were orderly, except just before the closing of the polls, when some rowdies became somewhat unruly. Reports received from supervisors in other districts are not yet complete (some 15 are still to be heard from), but appear to show that except in a few districts the election passed off satisfactorily and with few disturbances of a minor character. In the large majority of districts the authority of supervisors was respected by the authorities. Also in these provisional districts there was much repeating by both sides. The poll throughout the Republic is undoubtedly the largest ever cast.

In a few districts the Diistas left the polls toward the end of the day, and in one they refused to appear at all, charging in all these cases partiality of the supervisors. Also since the close of the polls the committee has received several notes from Señor Chiari, quoting the text of telegrams from local officials or Diista organizations making the most violent charges of partiality against supervisors. The committee is about to determine upon some steps to investigate these charges, such as possibly sending some man of well-known impartiality to examine into these charges on the spot where sufficient proof is offered and make a reasonable case. In view of the high character of the men sent as supervisors, it would seem most unlikely that these charges have any foundation other than the anger and disappointment of those making them. Should the charges be found to be justified, according to the instructions to supervisors, the elections in any such districts can be annulled by the committee and other elections held, provided the partiality can be shown to have affected the result of the election in question.

Undoubtedly there is an extremely bitter feeling against the committee among the Diistas, who apparently have believed that they would be able, through the Government, to prevent supervision from being effective. The committee have no doubt but that without supervision the Government, through its police and officials, would have been able to secure the election of its candidate for the presidency. No doubt this is the real reason for their bitterness toward the committee and their charges against supervisors. The Diistas will probably not give up without another struggle, and this will very likely be directed against the committee through the Panaman Minister in Washington. Apparently corroborative of this is the reported departure (which I have not as yet been able to verify) for Washington of Señor Carlos Constantino Arosemena, ostensibly with a view to selling certain land.

I have [etc.]

H. Percival Dodge.

File No. 819.00/419.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, July 3, 1912.

Members of the Unión Patriótica have sent the President a telegram translated as follows:

> The undersigned directors and members of the Patriotic Union, assembled in a special meeting, hereby respectfully present to you our formal protest against the fraudulent and scandalous manner in which the recent elections were carried out, and we earnestly entreat you to have the next ones postponed long enough for us to present proofs to you of the frauds and partialities committed in the elections held yesterday, so that we may request their annulment and that means may be adopted for the holding of a new election which shall record the real opinion of the people.

To which answer is being made on behalf of the President:

> Complaint contained in your telegram, which has been referred to this Department for a reply, would seem to be a matter which might properly be laid before the supervision committee for its recommendation.

Knox.

File No. 819.00/433.

The American Minister to Secretary of State.

[Extract.]

No. 154.]

AMERICAN LEGATION,
Panama, July 8, 1912.

SIR: Referring to my despatch No. 153 of the 1st instant, I have the honor to inform you that since the municipal elections on the 30th ultimo the supervisory committee has continued to receive numerous notes from Señor Chiari, Minister for Foreign Affairs, usually transcribing telegrams addressed to the Government or Unión Patriótica by local district leaders, complaining, often in most excited language, of alleged partiality shown by the supervisors to the Porrista party. In cases where these charges were so general as to make an investigation impossible the committee has requested the Government to furnish the facts, promising an investigation in that event. In cases where definite facts were alleged the committee addressed telegrams to the supervisors concerned requesting an investigation and report. The reports furnished in reply by these supervisors have appeared satisfactory to the committee and have been transmitted to Señor Chiari, who has been invited when this has appeared proper to submit any further evidence. In no case thus far has the evidence submitted been of such a character as to make it seem desirable to send some one to conduct an investigation on the spot. It may be noted that these complaints received from Señor Chiari only relate to some 13 districts where the result of the polling was especially close.

Since the 30th ultimo also numerous complaints have been received from the supervisors in some 20 districts, many of them—those complained of by the Government—stating serious failures on the part of the authorities to enable them to execute the instructions to supervisors of voting, notwithstanding the efforts of the committee detailed in my despatch No. 153 of the 1st instant, and President Arosemena's repeated assurances and telegraphic instructions to the local officials. The principal difficulties, as might have been anticipated, were to secure execution of the President's agreement placing the police and their armament at the disposal of the committee. The local authorities did all in their power to have the police remain armed. In these districts also the supervisors reported that the Government was endeavoring in many ways to intimidate the Porrista voters, making use extensively of a system of arresting the Porrista leaders in order not only to intimidate their followers but to break up their party organization. Complaints similar to those of the supervisors were received continually from the representatives of the Porrista party. From these reports the committee became convinced that the Government had by no means abandoned its struggles to win the presidential election on the 14th by the usual processes of intimidation and playing fast and loose with its agreements. At the same time rumors which seemed to have some foundation were current to the effect that at the next elections the Government would entirely refuse to observe its agreements and make an attempt to win the election at all costs.

The committee thereupon considered it necessary to have an interview with President Arosemena and place the situation clearly before him, at the same time making certain categorical demands which appeared to be covered by the authority already granted to it and which appeared to be absolutely necessary to end the continued prevarication of the authorities and do away with at least their most powerful means of intimidation. Moreover, if President Arosemena really desired a fair election there seemed to be no good reason why he should have any objection to granting them. These demands were (1) that the instructions contained in the President's telegram of the 28th ultimo to the governors and alcaldes should be reissued; (2) that all firearms in the possession of the police should be deposited under such guard as the supervisor might appoint from now until the end of the electoral period; (3) that the supervisors should have all proper facilities to investigate all cases of arrest, so as to prevent arrests for electoral purposes; and (4) that such instructions should be given as to prevent any further failure of the authorities to allow persons entitled thereto under decree 44 of the 20th ultimo to vote.

Upon hearing these demands of the committee the President appeared to be considerably excited and complained again of the partiality of the supervisors. He requested the committee to confirm its demands in writing. This was done to-day.

On the 6th instant Señor Ramón Arias Feraud, jr., a son-in-law of the Minister in Washington, and a member, though not a leading one, of the Unión Patriótica, called upon Colonel Goethals and, stating that all he wished was to secure honest government, asked him for his "advice" as to whether the committee would be willing to present to the representatives of the Porrista party a proposition to the effect that the Unión Patriótica would retire from further activity if the Porrista party would guarantee to the United States that when they took office they would place the police and finances under American supervision and reform the electoral laws. Colonel Goethals reported this conversation to the committee, which unanimously authorized him to reply to Señor Arias that it would be willing to convey such a proposal to the Porrista representatives, provided it was made formally by the Unión Patriótica. To-day, however, Señor Arias handed to the committee, instead of the proposal mentioned, another signed by the directors of the Unión Patriótica, stating that, in case it won the elections, the Unión Patriótica agreed (1) to reorganize the police according to a plan to be agreed upon by the Panaman and American Governments; (2) to request the Assembly to create the post of auditor of the treasury, to which an American would be appointed; and (3) to present a bill to the Assembly for changing the present defective election laws. The committee thereupon informed Señor Arias that it could do nothing with such a proposal; and he stated that he would endeavor again to have the Unión Patriótica make the proposal he first mentioned, which some of the more impetuous members had as yet refused to consider. He promised a reply to the committee for to-morrow, which, if it is the proposal first mentioned by Señor Arias, will then simply be handed to the Porras representatives as at the request of the Diista party. Should the Porrista party accept it, the matter will then be telegraphed to the Department with a recommendation that the Department authorize the committee to communicate to both parties its acceptance of the promises made to it by the Porrista party in connection with the agreement between both parties. It seems likely that the Porristas would accept such an arrangement if offered, in view of certain declarations of Dr. Porras, but it seems less likely that the Unión Patriótica will agree to make this offer. Nothing certainly could be more advantageous to Panama than placing their finances and police under American supervision and thus removing the two worst features of the Panaman Government—incurable extravagance and despotic police.

Referring to the Department's telegram of July 3, the Unión Patriótica has to-day presented a note to the committee stating that the recent elections had been fraudulent in nearly all districts and that the Unión Patriótica desired to present proofs of this, which it possessed. The committee has replied to this, stating that it will give earnest consideration to the proofs which the Unión Patriótica may care to submit.

I have [etc.]

H. PERCIVAL DODGE.

File No. 319.112D29/2.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Panama, July 9, 1912.

Conduct of police[1] from statements so far received is so outrageous that I recommend request for suspension of Quijano, chief of police, and Ossa, inspector general, who apparently were not present during firing but who are responsible for present dangerous character of police.

The supervisory committee thinks it necessary for fair elections, in view of continued efforts of the authorities to intimidate voters, to request Government to order immediate [deposit] of all arms of police in police stations under guard of supervisors during election.

DODGE.

File No. 819.00/428.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 11, 1912.

Action reported in your 149, 152, and 153 approved. Regarding your July 9, the Panaman Minister has requested of the President the postponement of next Sunday's election; he makes several charges of partiality against the supervising committee, none of which the Department considers well founded. This Government will not, as at present advised, take part in postponing the election.

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[1] See under "Assault upon American citizens in Panama," under date of July 9.

The Minister to-day endeavored to demonstrate that Panama would be ruined if the Government candidate did not succeed. He was told that this Government had full confidence in the supervising committee and proposed to stand by it; that this Government would perform the obligation which it had assumed at the specific request of both parties and of the Government of Panama to see that fair elections were held throughout Panama.

You will so inform the President of Panama and insist that he comply with his agreement that the supervising committee shall have control of the police.

KNOX.

File No. 819.00/429.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, July 13, 1912.

Minister for Foreign Affairs replied to request of committee relative to arms reported in my July 9, that arms could be deposited only under guard of the police themselves. Committee has informed him that it could not agree to this interpretation of its authority and duties under President of Panama decree approving instructions to supervisors, and would proceed to comply with these duties, notifying supervisors fully to assert their proper authority.

Unión Patriótica having requested committee to examine evidence of electoral frauds and put off election until August 11, committee consented to former request, but stated that no proper ground had been shown to consent to latter. Unión Patriótica yesterday published manifesto that Diaz withdrew, and advising their friends not to vote on account of electoral frauds rendering such voting useless.

DODGE.

File No. 819.00/432.

The American Minister to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, July 16, 1912—6 p. m.

Nearly all the supervisors have been heard from. They report satisfactory and orderly elections on 14th, Diaz party not voting.

Yesterday rowdies in Panama committed numerous outrages, none so far as known upon Americans. I have impressed upon Minister for Foreign Affairs urgent necessity for promptly stopping this, which is apparently countenanced by the police.

DODGE.

File N. 819.00/434.

The American Minister to the Secretary of State.

No. 161.] AMERICAN LEGATION,
Panama, July 20, 1912.

SIR: I have the honor to inform you that on the 10th instant the committee received a reply from Señor Chiari, Minister for Foreign Affairs, to its note addressed to him on the 8th instant (despatch No. 154) making certain categorical requests. This reply granted the first request of the committee, namely, the reissue of the President's instructions of the 28th ultimo, but accompanied this grant with charges against numerous supervisors, some of which had already previously been made by Señor Chiari and satisfactorily explained by the committee. The reply refused the second request of the committee, the most important one, namely, that all firearms in the possession of the police should be deposited under such guard as the supervisors might appoint until the end of the electoral period, stating that the President was constitutionally unable to grant such a request. The note, however, offered that the arms should be deposited in the police stations and should not be used "except to arrest persons guilty of unusual crimes, maintain order, or reestablish it, according to the requests of the supervisors." Accompanying this offer the note made serious reflections upon the elections of the 30th ultimo, and also made the statement, remarkable in view of the extremely numerous instances brought to Señor Chiari's attention, that "no information had been received that the authorities or police in that district had impeded voters of the opposition party from making use of their right to vote." Regarding this, the third request, that the supervisors should have all proper facilities to investigate all cases of arrests so as to prevent arrests for political purposes, the reply merely stated that orders would be issued to take especial care to favor members of the opposition party in the exercise of the suffrage. As to the fourth and last request, that instructions should be given to prevent any further failure of the authorities to allow persons accused or sentenced for minor offenses to vote, in accordance with decree No. 44 of the 20th ultimo, the reply agreed to issue such instructions.

Señor Chiari's reply appeared to the committee to give entirely insufficient guaranties of the Government's fair intentions and to be argumentative and even bordering upon the offensive in character. The committee accordingly decided to make no further endeavors to induce the Panaman Government to issue further instructions, but—standing upon the authority already granted to them in Señor Chiari's note of June 11 last (despatch No. 149), by which the control of the police and the disposition of their arms were left to the committee, and that granted in the President's decree approving the instructions to supervisors of voting (despatch No. 152)—merely to reply to Señor Chiari that the committee were unable to agree with the President's interpretation of these documents, which, if it were correct, would not enable them to perform properly the duties imposed upon them by the President himself and by the Government of the United States; and that the committee would faithfully comply with these duties and would accordingly instruct the supervisors to assert all authority given them by the decree mentioned. The text of the instructions to be sent to the supervisors was subsequently quoted in the note to Señor Chiari. These instructions were then telegraphed to all the 61 supervisors and were subsequently repeated when not duly acknowledged.

To this note Señor Chiari replied on the 12th instant in a long communication alleging that the Government had not desired to limit the powers of the supervisors, but merely to determine them. Señor Chiari then alleged that certain supervisors had so far overstepped their proper powers that in some districts "the Government of the Republic had ceased to exist," and stated that the Government did not agree with the committee's interpertation of the documents mentioned. Regarding the instructions telegraphed to the supervisors, Señor Chiari asserted that the Government did not approve of the powers given them to investigate arrests. His note ended by quoting a telegram sent to the governors and alcaldes instructing them to give all support to the supervisors according to the instructions given by the Government and the committee, reporting any departure of the supervisors from these instructions.

The committee decided that no reply to this note was necessary.

Meanwhile, until the 10th instant, nothing further had been heard from Señor Ramón Arias Feraud, jr., who, as stated in my despatch No. 154, had expressed a desire to make a further attempt to induce the Unión Patriótica to agree to retire its candidate, provided the Porrista party was willing to guarantee to the United States that when they took office they would place the police and finances under American supervision and reform the electoral laws. Finally, on the 10th instant Señor Ramón Arias called upon me and declared that his further efforts had been useless.

Señores Tomas Arias and Julio Fabrega, the representatives of the Unión Patriótica before the committee, resigned from this representation about the 10th instant, stating that they considered their further service to be useless. It will be remembered that on the 10th instant the committee had answered their note dated the 8th instant (but only received late on the 9th instant), stating that they would give careful consideration to such evidence of fraud in the elections as the Unión Patriótica desired to submit (despatch No. 154). On the 11th instant the committee received a letter from Señor Ramon Arias, who had been appointed to succeed Señores Tomas Arias and Fabrega, inclosing a large number of telegrams and other documents, which he stated to be part of the evidence of fraud in the elections of the 30th ultimo. He further stated that more evidence would be submitted later and that his party "trusted that the committee would also take into consideration that the irregularities and frauds shown by this evidence were such that until they were corrected the political party to whose prejudice they had been committed would not have sufficient confidence to go to the polls on the next elections" (14th instant). Accordingly, his party requested that the elections should be put off until August 11, so that proper measures might be taken to avoid a repetition of the alleged frauds.

To this the committee replied on the following day stating again that this evidence would be given earnest consideration, but that no sufficient ground had yet been shown for putting off the elections fixed by law for the 14th instant. On the following day the committee received a further parcel of documents from Señor Arias said to be additional evidence, and on the 12th instant it received another letter from him. This letter acknowledged the receipt of the committee's letter and stated that the Unión Patriótica justly complained of the partiality of the committee, for which reason "solely" it had decided that its members throughout the Republic should not vote. Señor Arias ended his letter by stating that he was "authorized to withdraw the request for the annulment of the elections and to demand the return of the evidence submitted in order to make better use of it," again protesting formally against the partiality of the committee and the supervisors.

It is a fact that owing to the extremely defective voting system here repeating is frequent and is practically impossible to prevent. During the election on the 30th ultimo, however, the reports received by the committee point strongly to repeating and fraudulent swearing of identity being indulged in practically equally by both parties. It would seem certain, therefore, that these frauds did not affect the result of the voting. The committee naturally did not consider that its authority extended to reforming the voting system of the Republic, which, moreover, it would not have had time to do, and which would have involved changes in this substantive law. Such changes in the substantive law the committee at the very beginning of its work duly announced that it would not make. Finally, it may be noted that the committee was not requested to make any such changes by either party until after the defeat of one of them. On the contrary, the system of voting as prescribed by law was set forth in the instructions to supervisors of voting and was accepted by both parties with only a slight change proposed by the Unión Patriótica, which was accepted by the committee (despatch No. 152).

As the day of the election for presidential electors approached rumors of some covert hostile action on the part of the Government became more and more persistent. On the 12th instant the Unión Patriótica published a long "manifesto" announcing the withdrawal of Señor Diaz's candidacy, and again charging fraud and partiality of the supervisors. On the 13th instant I telegraphed to the Department giving briefly the situation. On the preceding day I received the Department's telegram of July 11, which, according to the directions in it, I communicated to Señor Chiari for the information of President Arosemena. This materially strengthened the committee's position. The withdrawal of the Unión Patriótica had been expected for some days, and it is probable that it had been deferred to await the result of Señor Carlos Constantino Arosemena's visit to Washington (despatch No. 153). On the same day on which the Department's telegram was received it was credibly reported that the Government had received a telegram from Señor Ricardo Arias, Panaman Minister at Washington, to the effect that further hope was useless, since the American Government supported the committee. It was on the evening of this same day that the manifesto above mentioned appeared.

The 14th instant, the day of the election, passed off with perfect order and quiet in Panama City and Colon, and, in fact, in all the districts of the Republic. The committee, in view of the attitude of the Government and the current reports, had taken certain precautions, sending a number of additional assistant supervisors to the districts where the officials were known to be most partisan.

The result of the voting, in which the Diistas took no part, showed a vote for Dr. Porras practically similar to that cast for him on the 30th ultimo.

The feeling of the Diista party is, of course, intensely bitter, and this bitterness is naturally directed especially against the members of the committee and to some extent against Americans in general. In fact, rumors of violence to the members of the committee have been current. For this reason I have advised the commanders of the infantry regiment and marines not to allow their men in Panama for some days to come. No overt acts have as yet been committed nor do I now think that any will occur, as the indications are that the Government is at last really exerting itself to rid the police of its most dangerous elements. Indeed, the Government now appears to appreciate that the large number of dangerous characters which it has collected for electoral purposes and given employment to as policemen, plain-clothes men, supernumerary laborers, or agents provocateurs may well, now that it has no more favors to offer them, get out of hand and prove to be a source of danger to itself. Another good feature of the present situation is the evident effort which the Porrista party is making to conciliate its recent opponents.

Though it seems almost incredible, in view of the repeated unequivocal declarations of our Government, President Arosemena's Government has up to the last deluded itself with the idea that by insistence and persistence it would at last be able to secure support from the United States. By the action of the Porrista party in asking for supervision of the elections, the Government was forced also to ask for such supervision itself, but in doing so it did not expect that this supervision would be effective and prevent it from making use of its official powers.

The committee believe that both of the recent elections have been as fair and free from fraud as the circumstances admit, and that the candidates favored by the great majority of the voters have been elected. What frauds have been perpetrated have been unavoidable under the present election laws, which should be changed, and have probably been perpetrated equally by both parties, unless they have been perpetrated more extensively by the Diista party. So far as they have been able to learn, the committee also believe that the supervisors and their assistants, who are all men of good standing, military officers and noncommissioned officers and employees of the Isthmian Canal Commission, have done their duty well and impartially, often under the most trying conditions. If in some cases possibly they may slightly have overstepped their authority, this has undoubtedly been due to the provocative attitude of many local officials and in accordance with the supervisors' best judgment in order to avoid serious trouble. This can not have affected the result of the voting.

Many persons whose opinion appears entitled to weight have informed the committee that the recent elections are the fairest which Panama has ever had. The press is entirely partisan and, since the recent disappearance of Los Hechos, entirely pro-Porras. Its opinion as to the elections is, therefore, naturally extremely favorable. To-day the committee has received a letter from the liberal and conservative branches of the Porrista party, expressing their gratitude to the Government of the United States and to the committee for "the great service rendered to our country by having secured free and pure elections."

I have [etc.]

H. PERCIVAL DODGE.

File No. 819.00/438.

The American Minister to the Secretary of State.

[Extract.]

No. 166.]

AMERICAN LEGATION,
Panama, July 27, 1912.

SIR: Referring to my despatch No. 161, of the 20th instant, I have the honor to inform you that no further complaints relative to the recent supervision of the elections have been received by the committee from the Panaman Government since my last despatch.

On the whole, with a few unimportant exceptions, quiet and order seems to exist throughout the Republic, and after consulting with the Porrista representatives, who have stated that this would not be necessary, the committee have decided not to send representatives to supervise the meetings of the presidential electors which take place in each provincial capital on August 1 and 2 for the purpose of casting their votes. The final electoral proceedings, which are purely of a formal character, will take place at Panama City on September 1, when the votes of the electors will be opened by the electoral council and the result of the election solemnly announced.

All the supervisors and their assistants have now returned, including one or more who remained in each district to supervise the counting on the 21st instant of the returns of the election on the 14th instant.

According to the Constitution, Dr. Porras will be inaugurated President on October 1 next.

The committee have arranged with Colonel Goethals to have all the accounts of the supervisors audited by the examiner of accounts of the Isthmian Canal Commission, who will send them, when approved, to the disbursing officer. Eventually the disbursing officer will render a full account to the committee covering all disbursements and supported by vouchers, which will then be transmitted to Señor Chiari, together with any unexpended balance. A copy of this account will also be sent to the Department.

I have [etc.]

H. PERCIVAL DODGE.

File No. 819.00/437.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, August 3, 1912.

Porras unanimously elected President of Panama yesterday by the electoral assemblies.

DODGE.

INAUGURATION OF PRESIDENT PORRAS.

File No. 819.001 P 82.

The President to the President of Panama.

[Telegram.]

THE WHITE HOUSE,
Washington, October 1, 1912.

In extending to Your Excellency on the occasion of your inauguration the felicitations of the Government of the United States, I express my own sentiments and those of my fellow citizens in wishing, for the Republic, continued prosperity and happiness under your administration.

WM. H. TAFT.

File No. 819.001 P 82/3.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 220.]

AMERICAN LEGATION,
Panama, October 2, 1912.

SIR: I have the honor to inform the Department that the inauguration of Dr. Belisario Porras as President of the Republic of Panama occurred yesterday in a dignified and orderly manner and amid expressions of genuine enthusiasm upon the part of both the number of those who were present at the National Theater at the inaugural ceremony and by the populace assembled in large numbers on the streets about the theater and the Presidential Palace.

The inaugural address contained very friendly and appreciative references to the United States.

I have [etc.],

WM. WHITING ANDREWS.

File No. 819.001 P 82/2.

The Chargé d'Affaires of Panama to the Acting Secretary of State.

[Translation.]

No. 30.]

LEGATION OF PANAMA,
Washington, October 4, 1912.

EXCELLENCY: I have the honor to inform your excellency that His Excellency Dr. Belisario Porras, President elect of the Republic of

Panama for the constitutional term from 1912 to 1916, took possession of his high office on the first of this month.

With feelings [etc.],

JUAN BRIN.

File No. 819.001 P 82/4.

The Secretary for Foreign Affairs to the Secretary of State.

[Translation.]

No. 3210.]

FOREIGN OFFICE,
Panama, October 14, 1912.

MR. SECRETARY: Accompanied by the customary copy, I have the honor to transmit to your excellency the autograph letter which His Excellency Dr. Belisario Porras addresses to His Excellency W. H. Taft, President of the United States, announcing to him that he has assumed the presidency of the Republic of Panama.

I beg your excellency to be kind enough to have the mentioned sealed envelope reach its high destination and to accept for it my most cordial thanks.

I avail [etc.]

E. T. LEFEVRE.

[Inclosure.—Translation.]

The President of Panama to the President.

PRESIDENTIAL PALACE,
Panama, October 1, 1912.

GREAT AND GOOD FRIEND: I fulfill the pleasant duty of communicating to Your Excellency that, having been called by the vote of my fellow citizens to occupy the First Magistracy of the Republic, I have to-day assumed the Supreme Command, beginning thus the constitutional period of my Government.

In bringing this act to the knowledge of Your Excellency I take pleasure in declaring to you that, in the fulfillment of my duties, I shall take especial pains to bind more closely the ties of sincere friendship which happily unite our respective countries.

I present [etc.]

B. PORRAS.

File No. 819.001 P 82/4.

The Acting Secretary of State to the Secretary for Foreign Affairs.

DEPARTMENT OF STATE,
Washington, October 31, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 14th instant in which you enclose, with office copy, an autograph letter addressed to the President of the United States by His Excellency the President of Panama, in which the latter announces that he has assumed charge of the Presidency of the Republic of Panama.

In reply I have the honor to say that His Excellency's letter has been laid before the President, and that his reply will shortly be transmitted through the American Legation at Panama.

Accept [etc.]

ALVEY A. ADEE.

File No. 819.001 P 82/4.

The Secretary of State to the American Chargé d'Affaires.

No. 89.] DEPARTMENT OF STATE,
Washington, November 14, 1912.

SIR: I enclose, with office copy, a letter addressed by the President to His Excellency Belisario Porras, acknowledging his letter of October 1 last in which he announced his election to the Presidency of Panama and his entrance upon the duties of that office.

You will forward the copy to the Foreign Office and deliver the original in the manner most agreeable to His Excellency.

I am [etc.],

P. C. KNOX.

[Inclosure.]

The President to the President of Panama.

THE WHITE HOUSE,
Washington, November 1, 1912.

GREAT AND GOOD FRIEND: I have received the letter of the 1st of October last in which Your Excellency announced that, having been chosen to occupy the First Magistracy of the Republic, you had on that day assumed the Supreme Command.

I cordially reciprocate the sentiments you express for the continuance of the friendly relations which have heretofore existed between the United States and Panama, and I assure Your Excellency of my best wishes for your personal welfare and for the prosperity of the Republic over which you have been called to preside.

Your Good Friend,

WM. H. TAFT.

RAILROAD CONCESSIONS TO FOREIGNERS AND THEIR RELATION TO THE CANAL.—ATTITUDE OF THE UNITED STATES.

File No. 819.77/69.

The American Chargé d'Affaires to the Secretary of State.

No. 169.] AMERICAN LEGATION,
Panama, September 9, 1911.

SIR: Referring to the Department's telegraphic instruction of September 2, 8 p. m.,[1] on the subject of the extension desired by Mr. Dziuk, the concessionary for the Darien Railroad, I have the honor to enclose herewith a copy of my note to the Panaman Foreign Office, of August 8, together with a copy and translation of the reply received from the Foreign Office of the same date.

It may throw some light upon the tone of this reply to say that I have ascertained that the Secretary of Foreign Relations was unaware of the fact that the Secretary of Fomento had taken up the matter with Colonel Goethals; that he had made proposals to him for transmittal to the Secretary of War, and had given him to understand that he desired a definite answer to the question at issue.

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[1] Not printed; it informed the Minister that the subject specified was being considered.

There is no doubt that Mr. Dziuk has been extremely active in pressing not only the permission to extend the concession, but that the matter be definitely settled without further delay.

I am informed that the supposed reason for Mr. Dziuk urging the extension of the concession is that the German and English capitalists back of the Balboa and Pacific Estates Company declined to furnish him with sufficient funds to carry on the enterprise unless he would secure these extensions covering the entire eastern half of the Republic of Panama.

I have [etc.]

Wm. W. Andrews.

[Inclosure 1.]

The American Chargé d'Affaires to the Minister for Foreign Affairs.

No. 90.]

American Legation,
Panama, September 8, 1911.

Excellency: Referring to previous correspondence with your excellency's Government on the subject of railways in the Republic of Panama, I desire to bring to your excellency's attention the subject of railway concessions in general in the Republic, and in particular, the proposed extension of the Dziuk railway concession from the headwaters of the Chucunaque River via Chepo to the Sandías River, which the American Government understands it to be the desire of the Panaman Government to grant.

These questions are of such importance as will make it unavoidable that a considerable further time be devoted to their investigation and consideration by the Government of the United States. The new ramifications of the railway plans under consideration introduce many new and important elements, creating a situtation materially different from that of last year.

All railway development in the Republic of Panama bears, potentially where not actually, a relation to the immensely important American interests created by the construction of the canal; and it is in order to properly safeguard these interests, while yet conforming to a just appreciation of the rights of the Republic of Panama, that abundant time must be employed in their consideration. The fundamentals of American and Panaman relations are involved in this matter of railway development.

Permit me therefore, excellency, to especially impress upon your attention that, meanwhile, it is most essential that the Government of Panama refrain from any further commitments.

Accept [etc.].

Wm. Whiting Andrews.

[Inclosure 2.]

The Minister for Foreign Affairs to the American Chargé d'Affaires.

Ministry of Foreign Relations,
Panama, September 8, 1911.

Sir: I have the honor to refer to your important communication No. 90, of this same date, in relation to the construction of railroads in the Republic and especially to the concession granted to Mr. August Dziuk for the exploitation of one in the region of the Darien.

As you know, by the correspondence which I have had the honor to hold with you upon this same subject, the Government of Panama has not lost sight of its obligation to give the United States all the protection which it needs for the execution and preservation of the Canal.

Respecting the concession granted to Mr. Dziuk, the Government has not changed its conduct. It was agreed with the Honorable Henry L. Stimson, Secretary of War of the United States, to wait until the American Government should fully consider the question, and this has been done. In nothing, absolutely in nothing, has the status of this matter been changed, and I can assure you most emphatically that my Government will take no step tending to separate itself from the agreement.

But if this assurance and those which have been made previously in the same sense were not sufficient to tranquilize the American Government, permit me to suggest the advisability of indicating to us the form in which we can guarantee our promise. This would have, for us, the further advantage of allowing us to complete, immediately following, an agreement relative to the demarcation of the cities of Panama and Colon, which is at present at a standstill on this account.

I will appreciate it if you will communicate the foregoing to your Government and inform me of its decision in respect thereto.

I have [etc.]

Federico Boyd.

File No. 819.77/71.

The American Chargé d'Affaires to the Secretary of State.

No. 173.]

American Legation,
Panama, September 12, 1911.

Sir: I have the honor to report that Mr. August Dziuk, concerning whom there has been considerable correspondence between the Department and this Legation in relation to the Balboa and Pacific Estates Company, Limited, and railway development in Panama, called upon me this morning and stated that he is leaving Saturday for Washington (en route to *Germany*) to interview the American Government with regard to his affairs and is considering opening an office in New York for the purpose of interesting American capital.

Mr. Dziuk asked for a letter of introduction for use at the Department. I suggested that he would naturally come to our Government with an introduction from his Embassy in Washington, but that I would give him a personal note of introduction, as he requested.

The exact composition of the body of capitalists which he represents is a little in doubt as it is given out that it is made up of English capitalists rather more than of German. Such introduction to our Government as he may receive through the German Embassy will probably make more clear his standing.

Mr. Dziuk asked for a map and showed me the exact original concession, explaining that the territory, which he himself had been the first white man to explore, was very rich in gold. He stated that he had met with no opposition in obtaining the concession covering this first area of country and to the railroads covered by that concession. When he pointed out the route of his proposed extension to or near Panama, I asked him why he sought this. He showed some embarrassment saying that his original concession was no good without this concession, and that the territory through which the proposed line would run was very fertile and rich.

Mr. Dziuk evidently was cognizant, from Panaman sources, of the real reasons why his projects are obnoxious to our Government; and I thought it well to state that the opposition he had met with was not because of his nationality but that it would be quite the same if he were of any other foreign nation, saying that the American Government, realizing that the canal is not only a commercial but a military measure, naturally considers everything from that viewpoint, even looking far ahead into the future. I remarked that the American Government had no objections to himself as an individual.

In conclusion, I said to Mr. Dziuk that while I could not with propriety have suggested his going to Washington to see my Government, however, since he had himself determined on this course, I would say that I had no doubt it would prove more satisfactory to him to discuss his affairs at headquarters.

I have [etc.]

Wm. Whiting Andrews.

File No. 819.77/70.

The American Chargé d'Affaires to the Secretary of State.

No. 174.]

American Legation,
Panama, September 14, 1911.

Sir: Referring to previous correspondence concerning the bids for the construction of the Panama-David railroad, I have the honor to inform the Department that as all three of the American bidders found objection to the limitations and lack of elasticity in the law covering the conditions under which the bids were to be made, and as the President of the Republic, on his part, found none of the three bids satisfactory, by a mutual agreement between the several bidders and himself President Arosemena has called a special session of the National Assembly to convene on the 25th instant for the purpose of modifying the law.

The only feature definitely known wherein it is proposed to change the law is to make possible the selling of bonds to cover the cost of the railroad at a price less than par, the present law forbidding the sale of such bonds below par.

One of the bidders, Mr. L. E. Myers, with whom is affiliated Rollins & Sons, bankers, of Boston, has allowed it to be publicly supposed that he is returning to the United States, having definitely finished his connection with the bids for the construction of this railroad, but in confidence he has informed me that he has an understanding with President Arosemena that he will return and bid again if the law is changed as above.

In the Star and Herald of this morning it is announced that another of the bidders, Mr. Knowlton, is also returning to the United States, having withdrawn from the competition.

A British subject, Mr. Gillingham, spoke to me yesterday, saying that he was prepared to make a bid for the bonds to be issued, of 98. This will be considerably higher than any American bid, undoubtedly. Mr. Myers, for example, has been considering offering 92. Mr. Gillingham asked me whether I was able to tell him if the United States Government could, and if so, whether it would, prevent the Government of Panama from pledging as security for these bonds the principal which they have invested in real estate mortgages in the United States of $6,000,000. I told him that I was unable to say, officially, that they would, but that I was quite certain the convention between the two Governments was such as to enable the American Government to do so if it wished.

In this connection I wish to quote, on the authority of Mr. Myers, a remarkable statement made to him by Mr. Nicanor Obarrio, who is, beyond question, one of the most prominent and wealthiest Panamans. Mr. Obarrio said that there was a considerable opinion existing in Panama that the Government of Panama ought to spend the $6,000,000 above referred to in the construction of this railroad, saying that it was their money to do with as they pleased. As he is a very responsible person, it is probable that he really voiced a sentiment, concealed but existing.

I have [etc.]

Wm. Whiting Andrews.

File No. 819.77/58.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 89.]

Department of State,
Washington, September 20, 1911.

Sir: The Dziuk railroad concession, from its origin down to its present status, itself raises questions requiring great circumspection on the part of the Department and of the Legation. The questions which it raises are, moreover, typical ones, so likely to recur from time to time in one or another form that it is evidently desirable to define with sufficient clarity the position of the United States and the plain duty and interest of the Republic of Panama in such cases.

First of all, it will be useful to epitomize what appears to be the history and status of the Dziuk concession.

On October 22, 1910, the Legation wrote the Department that the Balboa and Pacific Estates, Limited, an English corporation, with its home office at 312 Regent Street, London, had, through its Panama agents, applied for a concession to construct a narrow-gauge railroad in the Darien region, District of Chepigana, running from the mouth of the River Piñas to a point on the left bank of the River Tuira. The company desired also an option to continue the road to some point more or less near the headwaters of the River Chucunaque. The Legation at the same time transmitted a copy of the proposed concession as submitted by the company, attention being called to the wholesale grant of public land on each side of the right of way, in addition to the lands necessary for the work of construction. In the same dispatch the company was alleged to be the proprietor of three mines near the mouth of the River Piñas. The Legation stated that the railroad was not designed for the development of these mines, and ascribed the company's efforts to the desire to secure vast tracts of public lands, without adequate compensation, in a country where the railroad could not for many years prove commercially profitable.

Regarding the economic aspect of the proposed concession, Maj. Gen. George W. Davis was good enough quite unofficially to express to the Department his very valuable views. General Davis pointed out that the country traversed was most sparsely populated, with Indians only; that its timber resources could now be exploited through water transportation cheaper than by rail; that the valley of the Chucunaque was one of the most unhealthy in the world; that the construction would be expensive; and that the railroad, with practical certainty, could not be profitable either to the company or to the Republic. General Davis also pointed out that two hundred years ago a British attempt to colonize the Darien region had resulted in disaster and great financial loss.

In the same dispatch of October 22, 1910, the Legation stated that the proposition would at once be submitted to the National Assembly, intimating that if the Department considered the project objectionable an intimation by telegraph might remove it from consideration. The draft contract was for ninety-nine years; it had one article seemingly monopolistic as to railroad construction in the territory concerned, and the land grants seemed excessive.

On November 7, 1910, the Department instructed the Legation to suggest to the Government of Panama the desirability of granting only alternate sections of public lands along the railroad, at the same time intimating in general terms the interest of the United States in the development of Panama.

The Legation's dispatch of October 22, 1910, was read by the Chief of the Isthmian Canal Commission in the War Department, who suggested no change in the Department's telegram of November 7, 1910. A copy of the correspondence to this point was sent to the War Department on November 11, 1910, and was acknowledged without comment.

In a dispatch of November 8, 1910, the Legation notified the Department that the suggestion to grant only alternate sections of land had been informally made, and that before ratifying the concession such a modification was likely to be made, since both the executive and the legislative branches of the Government of Panama evinced every desire to act in conformity with the wishes of the United States.

On February 1, 1911, the Consulate-General at Panama dispatched to the Department a translation of contract No. 2.

On February 2, 1911, the Washington Herald printed a telegram, dated the previous day at Colon, forecasting the early ratification of a railway concession to the Balboa and Pacific Estates, Limited, and alleging that the concession would provide for a railroad from one end of the Republic to the other and that as an evolution of the old Darien project it was to open up the virgin country of the Pacific slope, to parallel the coast and ultimately to form an important link in the inevitable Pan-American system. After speaking of an English invasion and possible sphere of influence, the article intimated that, contrary to expectation, American opposition had not developed, and that therefore the concession, involving enormous land grants, would be consummated within a few weeks.

After examining this newspaper report, the Latin-American Division, not having before it the second draft contract, gained the impression that the proposed concession had nothing to do with any proposed railroad from Colon to the cocoanut country along the Atlantic, nor with the Panama-David railroad project then pending, and that, although American exploitation would be far preferable to exploitation by foreigners, still, in general, the material development of Panama through railroad construction should be encouraged if properly safeguarded. Owing, however, to the intimation of possible monopoly in the Darien region and the valley of the Chucunaque, for which an optional extension was included in the application of the company, the Latin-American Division recommended that the Department inquire whether any contemplated exclusive rights were such as to interfere with a future Pan-American railway system. In the Department's telegram of February 3, 1911, embodying this inquiry, the Legation was also instructed to report at once whether the concession had been modified to give only alternate land sections.

In its telegram of the following day the Legation replied that the Minister for Foreign Affairs stated that the concession now conconformed in principle to the suggestion regarding only alternate land sections, and did not confer exclusive rights which could interfere with the Pan-American railroad system, Article III containing the seemingly monopolistic feature having been omitted from the concession. The same telegram added that the concession had been approved.

On February 4, 1911, the Legation transmitted a copy of the same second draft contract which had been sent by the Consulate-General. A copy of this second draft contract was sent to the War Department, on May 13, 1911, and an additional copy with the Legation's covering despatch of February 4, 1911, was transmitted to the War Department on May 19, 1911.

This despatch from the Legation made it clear that it was the second draft contract which had been approved, and that it had been approved only by the President of Panama. The proposal had not been favorably acted upon by the National Assembly at its regular session, but had been again submitted to it by the President at its special session. The concession so pending, then, was free from the objection as to alternate land sections, and purported to be free from potential conflict with a Pan-American railroad. The second draft contract, however, had been expanded and changed in numerous respects. For example, in addition to embodying a provision similar to that at the end of Article I in the first draft contract, whereby the company was to have the right to continue the railroad to some point more or less near the headwaters of the River Chucunaque, crossing the River Tuira, and partially crossing the valley of the Chucunaque, Article II purports to give the concessionaire an option to construct any other branches deemed necessary for the development of the enterprise (subject to all the stipulations of the contract), upon written application to the Executive Power for permission to begin to locate such branches.

It may here be observed that the Department now for the first time had before it the draft of a project sufficiently elaborated to challenge any measure of serious attention even if it had been possible to assume that the Government of Panama could have for a moment considered proceeding beyond the most tentative steps, in a matter involving problems of such obvious joint interest, without officially seeking thorough and deliberate consultation with the Government of the United States.

In a despatch of April 19, 1911, the Legation informed the Department that the concessionaries had cabled their representative in Panama, Dr. Inocencio Galindo, directing him to secure from the President of the Republic authority to extend the railroad from Chepo to Panama, since they desired to construct such a branch simultaneously with what was called the principal line—that is, the one to run from Puerto Piñas to the River Tuira. As the Legation pointed out, it was perceived to be obvious that no such extension could be built without traversing a section of the Canal Zone, since the city of Panama is surrounded by the territory of the Zone. The President of Panama, the Legation reported, had not yet taken any action on this fresh proposal. With the same despatch the Legation transmitted published telegraphic correspondence between the Panaman representative of the syndicate and Messrs. Dziuk, Tiktin and Hoffman, speaking for those in Europe supposed to be interested in the project. The tone of the telegrams from Berlin was such as to seem to show clearly enough that their senders looked to these extraordinary extensions of the concession as the really essential part of the project which had been so innocently proposed as a small railway concession in the Darien region. Mr. Galindo, in his replies to Berlin, demurred, and asked for formal documents. In its telegram saying that these could not yet be sent because Mr. Dziuk had gone to New York, the remark was made that if necessary the syndicate would obligate itself to buy railway materials in the United States.

With the same dispatch the Legation transmitted an article from the Panama Journal of April 18, 1911, calmly assuming that these great extensions should be granted; advocating the introduction of European capital; commenting upon the interest said to be taken by a certain European country in everything relating to the interests of Panama; referring, in illustration of the same thought, to an alleged extensive German agricultural undertaking near by in Colombia, with harbor projects on the coast; and, in conclusion, admitting the power of the United States to refuse the right of way through the Zone and advocating the removal, through diplomacy, of this obstacle.

On May 2, 1911, the Department called upon the Legation for a report as to surveys, physical features, and commercial purposes, directing the Legation to consult Colonel Goethals, and intimating that the President of Panama would be expected to defer granting this application pending full consideration by the Government of the United States. Copies of the Legation's despatch of April 19, 1911, and of the Department's reply of May 2, 1911, were transmitted to the War Department May 8, 1911, together with telegraphic information sent by the Legation May 5, 1911, to the effect that the President of Panama had agreed to defer granting permission for the Chepo-Panama extension.

In a despatch of May 9, 1911, the Legation reported that the President of Panama, in spite of the syndicate's insistence, was taking the sufficiently obvious ground that the Chepo-Panama line could not be termed a "branch" at all. Upon being consulted by the Legation, Colonel Goethals had expressed the opinion that if the United States did not object to the construction of the Panama-David Railroad by foreign capital he saw no objection to the construction of the Chepo-Panama Railroad by foreign capital, inasmuch as the relations of both roads to the Canal Zone were identical. As to this whole question of policy, Colonel Goethals naturally left it to the consideration of his Government. This despatch was copied to the War Department on May 25, 1911.

From a letter of May 11, 1911, from the War Department it appeared that that Department had failed to receive copies of the

Legation's despatch of November 4, 1910, and of the second draft contract therein referred to. Such copies were thereupon sent, May 19, 1911, and on May 23, 1911, the War Department informed the Department of State that this last-mentioned letter, with its inclosures, had been copied to the chairman and chief engineer of the Isthmian Canal Commission on the Isthmus for his information in connection with previous correspondence already forwarded to him.

On June 1, 1911, the War Department was good enough to furnish the Department of State with extracts from a communication from Colonel Goethals, dated May 24, 1911. It appeared therefrom that the then Chargé d'Affaires at Panama, while viewing the proposed project as prejudicial, was of the opinion that no such railroad would be built without the access to the city of Panama, which was precluded by necessity in such case to cross the Zone. Colonel Goethals also referred to the President's visit to the Isthmus and to the discussion at the time with the Secretary for Foreign Relations of the question of readjusting the boundary between the city of Panama and the Canal Zone, and also to a discussion of the question of use by the Zone authorities of certain waters at present reserved to the harbor of Colon. In remarking that the adjustment of the boundaries of the capital would make geographically possible a route to the city through Panaman jurisdiction, Colonel Goethals reported that he had indicated to the Legation that since the matter of the Dziuk concession concerned policy rather than the canal construction it was not one upon which he then felt called upon to make any expression. It thus appears that the Legation deemed the acquiring of exclusive railway rights by foreign capital in Panama detrimental to American interests, and further believed that the railroad in question would not be built unless the company could gain access to the city of Panama, and that Colonel Goethals naturally enough regarded this question as one of broad policy. It further appears that when the President visited the Isthmus of Panama in November, 1910, he had a certain tentative discussion with the Secretary for Foreign Affairs with a view to the possible exchange of a portion of the Zone for certain water rights—such exchange to be effective if and when reduced to writing and approved by the Presidents of the United States and of Panama, and to have, incidentally, the effect of leaving no Zone territory between the city of Panama and the road which the railroad from Chepo would take, if authorized, in entering the capital.

On June 2, 1911, Mr. Carlos C. Arosemena, the Panaman Minister of Public Works, informed Mr. Dodge, Resident Diplomatic Officer of the Department of State, that the Panaman Government had refused to grant to the Balboa and Pacific Estates, Limited, their request to construct a "branch" to Panama City on the ground that this could not properly be considered as a branch within the meaning of the company's concession. Mr. Arosemena, apparently with an unconscious indifference to the interests or the attitude of the United States, remarked at the same time that the Panaman Government would, however, be ready to consider the question of granting a new concession under proper conditions to this company for building a railway to Panama City.

On the same day Mr. Arosemena informed Mr. Dodge that he had heard unofficially that the Balboa and Pacific Estates, Limited, to whom a concession to build a railway in the Darien Province had been granted, were considering another branch line, which Mr. Arosemena said they were entitled to under their contract, to run from the main line near the Chucunaque River to the Colombian frontier, thence joining a concession which they either had obtained or expected to obtain for a railroad from the Colombian frontier to the Gulf of Darien. Mr. Arosemena added that such an arrangement would give the company a railroad across the Isthmus, which, if true, would, of course, be of great interest to the United States, and would be immediately brought by him to the attention of the Department. Mr. Dodge intimated that the permission of Panama would be necessary to such a branch; that the Department would, of course, be greatly interested; and that, therefore, the Government of Panama would naturally afford the Department every opportunity to consider the question. To this Mr. Arosemena replied that he recognized the Department's interest, but thought that under the contract the Panaman Government would be obliged to grant any request for such a branch.

By a despatch of June 3, 1911, the Legation informed the Department that Mr. Agusto Dziuk was reported to have deposited with the national treasury of Panama the $10,000 gold required by the contract to be deposited as a pledge that the company would proceed in good faith.

The newspaper article relied upon by the Legation for the information further stated that the Government of Panama had thus far only consented to permit the company to run the railroad up to Chucunaque, about 25 kilometers from the Atlantic coast.

The Department's conversations with Mr. Arosemena were communicated to the Legation in its instructions of June 17 and June 30, 1911, and the Legation at Bogotá was, on the latter date, informed of the rumors regarding the supplementary project in the Republic of Colombia.

From the beginning of July there has been a correspondence between the White House, the Department of State, and the War Department, and a Mr. William Albert Nicholls, who was introduced to the Department by Senator Brandegee, of Connecticut, and who caused it to be understood that he wrote only as a patriotic American citizen and as a friend of Mr. Egon Schaar. This correspondence may be summarized in this way: Mr. Schaar tells Mr. Nicholls that he has been approached by Japanese and others to buy lands about Piñas Bay, a prospective important harbor; that he is not looking for a purchaser, but would prefer to sell, if at all, to the United States. In the course of the correspondence $2,500,000 was mentioned as the price of the lands in question.

It is interesting to note in this connection that Mr. Laughlin, Secretary of the Embassy at Berlin, sent the Department the following telegram, dated August 24, 1911, 12 noon:

Count Oppersdorff, Member of Reichstag, informs me our Government is interested in the transfer of an estate in Panama, and asks me to transmit through you the following power of attorney for Egon Schaar, Ritz Carlton, New York City:

"The undersigned five directors and seven associates of the Balboa and Pacific Estates Limited, representing nine-tenths majority, grant you unlimited power of attorney for the sale and realization of all rights of the company. Papers duly executed, follow by mail. Count Oppersdorff, Schmid, Begas, Dziuk, Hoffman, von Bethmann Hollweg, Tiktin."

The correspondence with the War and Navy Departments shows that neither of those Departments deemed it advisable that the United States should acquire the lands about Piñas Bay, and accordingly the following reply, dated August 29, 1911, 4 p. m., was sent to Mr. Laughlin:

> The Department had already informed Schaar's associate, William Nicholls, that the Government of the United States has no present interest in the acquisition of Piñas Bay lands in Panama. The power of attorney would, therefore, seem unnecessary, so far as this Government is concerned.

As Mr. Nicholls was anxious for a fuller reply than previously given him, the Department advised him by telegraph on September 2, 1911, as follows:

> In compliance with the request to hear from the Department to-day, contained in your letter of August 30, which crossed the Department's communication of August 29, I desire to express regret at the apparent misunderstanding of the correspondence in question. It should be remembered that the overtures made the Department were unsolicited and you will of course realize that any government requires considerable time to consider a matter bearing upon such important subjects.
>
> The specific question you asked was whether this Government now cared to purchase certain lands on the Pacific coast of Panama. While the ultimate relation of the Government of the United States to all such questions is sufficiently clear through public treaties, I can only at the present time again transmit to you the information that this Government is not disposed to consider at this time the suggested transaction.

In the same connection it is interesting that on August 4, 1911, Mr. Galindo, representing the German interests, addressed from Berlin a letter to the President containing many protestations of his devotion to American interests and quite strongly insinuating that it would be a menace to the United States to permit the lands about Piñas Bay to pass into any foreign hands. This letter was duly transmitted to the War and Navy Departments.

As showing a certain amount of energy and assurance on the part of the promoters of the Dziuk railroad concession, it is worth while, perhaps, to note the following very misleading despatch to the London Times of July 29, 1911:

RAILWAYS IN PANAMA.

[From our correspondent.]

PANAMA, *July 27.*

> The Washington Government has withdrawn its objection to the extension of the German-English railroad from Darien to the city of Panama. The line will be 300 kilometers long, of which 80 kilometers are to be built at once. It is made a condition that the railway shall not go within 10 miles of the Atlantic side of the Isthmus and shall keep southwest of the Cordillera.
>
> (The above telegram refers to a railway syndicate which has recently obtained permission from the United States Government to build a railway from Puerto Piñas, on the Panama Gulf, to La Palma, on the same gulf, at the entrance of the Tuira River. The concession, according to the telegram, has been extended.)

The Legation's despatch of July 10, 1911, stating that the Panaman Minister for Foreign Affairs had given assurances that no branch railroad to the Colombian frontier was under contemplation, and that in the event that permission to build such a road should be requested the interests of the United States would be carefully guarded, was transmitted to the War Department on July 26, 1911.

On August 19, 1911, the Secretary of War discussed with the Assistant Secretary of State the general subject of the present instruction, and particularly the Dziuk railroad concession, the matter having come concretely before the War Department through the following telegram that it received from Colonel Goethals:

> Panaman authorities desire extend Dziuk railroad concession from headwaters of Chucunaque via Chepo to Juan Diaz River, stipulating that road shall not be nearer than 10 miles to Caribbean Sea or Colombian frontier, and request the consent of the United States.

On the same date, and confirming this conversation, the Secretary of War informed the Department that shortly before he started for Panama Mr. C. C. Arosemena came to Washington and was received by the President, the Secretary of War being present. Mr. Arosemena mentioned that the Government of Panama had granted Dziuk a railroad from Piñas Bay to the River Tuira, possibly to be extended thence to some point toward the headwaters of the Chucunaque River with the privilege of constructing other branches also with the further consent of the Executive of Panama. Mr. Arosemena said to the President that Mr. Dziuk desired permission to extend the proposed railroad to some point on the Colombian frontier whence it could be easily extended through Colombia to the Gulf of Darien, making a transcontinental railroad which, in his opinion, might interfere with the interests of the United States on the Isthmus of Panama. As to Mr. Arosemena's remarks on this occasion, it will be recalled that the Government of Panama has officially disclaimed to our Legation any intention to make this particular extension of the concession. In the despatch of August 19, the Secretary of War was good enough further to inform the Department that during his visit to Panama in July he found this situation: Mr. Dziuk was pressing for an extension of his concession to involve a railroad from the headwaters of the Chucunaque via Chepo into the city of Panama. The President, when previously in Panama, in the desire to contribute in all proper ways to the legitimate aims of the Republic, had acquiesced in an informal but tentative way in a modification of the boundaries of the city of Panama in such manner as to bring those boundaries to the eastern edge of the Canal Zone and thus into juxtaposition with the rest of the Republic on the east. The question of such modification by Executive order was to be taken under consideration with reference to its technical, strategic, political, and legal bearings with the competent departments of the Government. It became apparent to the Secretary of War that such modification of the boundaries of the city of Panama, and therefore of the territory of the Canal Zone, would demolish the power of the United States to prevent, so far as this one ground is concerned, the entrance into Panama of such a railroad as that under consideration. Accordingly, the Secretary of War, at a conference with the President of Panama, at which Mr. Boyd (the Secretary of State), Colonel Goethals and Judge Fouille were present, made it clear to the President of Panama that when the President had intimated a willingness to acquiesce in the desired modification of the boundaries of Panama City the question of the railroad concession—which naturally could hardly be dissociated from it—had not been submitted to his consideration. The Secretary of War further pointed out that the building by foreign capital of a railroad to the neighborhood of the city of Panama might, owing to its propinquity, be a serious embarrassment to the United States and that for such reasons the United States would not consent to such a modification of the boundaries unless upon a disinct understanding that no such concessions for railroads would be granted except under such safeguards as would enable the United States to control absolutely the railroad in case of war or other disturbance. Naturally acceding to the reasonableness of this position, President Arosemena asked as to the nature of the conditions the United States would be likely to impose for the protection of its interests. While informing the President of Panama that this matter must be passed upon by the Department of State, to which he would communicate the substance of his conversation, and through which the Government of Panama would doubtless hear in due course, the Secretary of War made it plain that, from the point of view of military policy, it was felt that the Government of the United States could be satisfied with no arrangement not including the right to occupy and take possession of the railroad whenever it thought its interests required it to do so. Mr. Boyd, the Secretary of State, spoke of the pressure being brought to bear by Mr. Dziuk and his associates and expressed the hope for a prompt answer as to the conditions the United States would impose upon the railroad extension and also as to the modification of the area of the city of Panama which had been requested.

In his letter of August 19 the Secretary of War also points out that inasmuch as the Juan Diaz River is only about 10 miles from the city of Panama and the Canal Zone a railroad built there would be practically as objectionable to the interests of the United States from a strategic point of view as would an extension frankly to the city of Panama itself. The Secretary of War informed the Department of State that he was on the same date sending Colonel Goethals the following telegram:

> Have reported to State Department fully matter of Dziuk railroad concession and they will communicate with Panaman authorities. From standpoint of military policy of United States, I deem extension to Juan Diaz River to be equally objectionable with extension to Panama.

The Secretary of War adds that President Arosemena acquiesced in the reasonableness of the position of the United States as expressed during the conversation at Panama. In closing he points out that even if the confines of the city of Panama were not enlarged the military exigencies of the case should be most carefully scrutinized even in the case of a railway going at all into the neighborhood of the Canal Zone and that there should be safeguarded not only the possibility of war between the United States and another nation but also that the possibility of trouble between Panama and another nation should receive thorough consideration, since in any event the United States should be in a position not only to prevent occupation of the railroad by a foreign power, but itself to occupy it whenever its interests required.

From an informal communication to the Department of July 21, it appears that the War Department took the view that the original concession from the mouth of the Piñas River to the valley of El Real de Santa Maria on the Tuira River and thence northwesterly toward the headwaters of the Chucunaque, a distance of about 100 miles, and at no point approaching within 100 miles of the Canal Zone, from which it would be separated by difficult and mountainous country with only a sparse Indian population, would in no wise affect the canal or its construction or the government of the Canal Zone. Even such a railroad, however, would be a worthy subject of study from the point of view of general policy. As to any extension of a foreign railroad nearer the Canal Zone the Department understands that such an extension would be regarded by the War Department as more or less contrary to the interests of the United States from the point of view of military policy and as absolutely contrary to such interests if such extension reached within striking distance of the Canal Zone.

The Secretary of War desired the Department to give the Legation instructions which would preclude any misunderstanding as to the safeguarding of the vital strategic and other interests of the United States in Panama against any ill-considered action on the part of the Republic of Panama which might in the future cause embarrassment.

To do this is the object of this instruction.

Pending the result of the careful deliberation now going forward between the Department of State and the War Department, and to preclude the possibility of any such ill-considered action, the Department of State on September 2 despatched to the Legation at Panama the following telegraphic instruction:

> About August 18 Goethals telegraphed the Secretary of War as follows: "Panaman authorities desire extend Dziuk railroad concession from headwaters of Chucunaque via Chepo to Juan Diaz River, stipulating that road shall not be nearer than 10 miles to Caribbean Sea or Colombian frontier, and request the consent of the United States." The Department of State and the War Department will require considerable time for consultation and study of the whole subject of which that telegram raises one phase. Confer with Colonel Goethals and thereupon formally notify the Government of Panama that this whole subject is receiving the study which is required by the fact that it is involved in the fundamentals of American-Panamañ relations. Point out in the same communication that the new ramifications of the railway schemes under consideration introduce many new and important elements creating a situation materially different from that of last year (see Department's telegram November 7, 2 p. m., and subsequent correspondence). In closing make quite clear that it is essential that the Government of Panama studiously refrain meanwhile from any further commitments.

It is believed that the foregoing will serve as a résumé to the present date of the various phases of the subject of the Dziuk concession project.

Distortion of the policy of the United States, the cry of American aggression, the appeal to national pride in Panama, scheming for this or that private interest, coquetting with foreign enterprises as a barrier against American preponderance, and depending upon American protection and disinterestedness as a cloak for all sorts of irresponsible activities—such, unfortunately, have sometimes been pawns in Panama's domestic politics. That the above-indicated dispositions have existed in certain quarters there have unfortunately been only too many illustrations. Indeed, it may be remarked that it was at one time represented to the Department that certain prominent Panamans, official and otherwise, had been conspicuous in such activities. For example, a person, the authority of whose position made him supposedly influential, was represented as habitually disseminating the idea that, owing to domestic politics in the United States and still more to our general Latin-American policy, the United States would be very reluctant to exercise any discipline upon Panama or other small countries, and that any severity that might ever be threatened would not be seriously meant. Thus this gentleman was represented as encouraging the sentiment that Panama could, with safety, act with entire disregard of the relations so essential to both countries.

Another faction was represented as impatient at the uniform unwillingness of the Government of the United States to enter upon any undue interference in internal political affairs as to which it at present deems its duty discharged in maintaining Panama as a Republic able to respond to its various obligations.

The fact that the policy of the United States has to be carried out at every step in such a *milieu*, and the fact that the policy of the United States is one of justice and right, as well as one of due regard for Panama's real and legitimate interests, should make it as easy as it is important that this policy should be as well defined and frankly accepted as it is fundamental and permanent.

In the Clayton-Bulwer Treaty of 1850 the obligation to protect was recognized as alone bestowing the most favorable rights to use an interoceanic canal.

Not only has the United States exclusively assumed the great obligation to protect the canal and the Canal Zone, but by its treaty of November 18, 1903, with Panama the United States has become responsible for the very existence of the Republic of Panama. By Article I "The United States guarantees and will maintain the independence of the Republic of Panama."

Indeed, without entering upon any extended analysis of the treaty relations of the two Republics or assuming to define their full effect, some of the more palpable elements in the situation will at once be apparent from a mere perusal of the treaty of November 18, 1903. Merely by way of illustration, there may be cited the following provisions which, among others, are typical of the gist of that instrument. In Article II there occurs the following language:

> * * * The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

Article IV states:

> As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water or water power or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

By Article V—

> The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

Article VI, in reference to such grants as it may be "necessary and convenient for the construction, maintenance, operation, sanitation, and *protection*" of the said canal, states that—

> * * * All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. * * * The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

Article XVII says:

> The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

Article XX says:

> If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

Article XXI says:

> The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

Article XXIII says:

> If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

Article XXIV says:

> No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

Article XXV says:

> For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States

lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

The obligation to protect and to maintain the Republic of Panama would carry with it, then, the right to do the things necessary to such protection, even if not only the spirit but the language of the whole treaty did not make the rights of the United States and the obligations of Panama in the premises particularly clear. Thus, the United States may at any time, in responding to the duties of its treaty obligations to protect Panama and the Canal Zone, be compelled to take control of any harbor or railroad line as "necessary and convenient" for the protection of the canal. It would appear that if rights or properties so needed for the protection of both countries and the control of which was at any time desired by the United States for these broad purposes should have been meanwhile made the subject of concessions by Panama to foreign capitalists, then, in the expropriation and adjustment which it would fall to Panama to carry out the Government of Panama might find itself under serious foreign embarrassment and subject to large international reclamations.

As to any question of Panama's being a party to any concession for a transcontinental railroad, this would be in point-blank violation of the treaty.

All waters "necessary and convenient" for the canal are given in advance to the United States by Article IV, and in giving them the Government of Panama is in no position to bargain for an extension of the confines of Panama City.

Article XXIII would seem sufficiently to recognize the paramountcy of the United States in case of the necessity of protecting and so controlling the railways, certainly if such railways were susceptible of affecting the Canal Zone.

Since by Article XXIV the Republic of Panama agrees not to make, without the consent of the United States, any law or treaty affecting any right of the United States under the present convention, the Republic would seem the more plainly estopped from effecting similar results through contracts or concessions to private parties.

The construction of the Panama Canal is the greatest and most costly governmental work ever undertaken in history. The future and the prosperity of Panama depend upon the canal as completely as the permanent existence of that Republic depends upon the protection of the United States. It is high time that the officials and people of Panama should realize this, should respond to their clear obligations in the premises, and should at all times heartily cooperate with this Government. Such cooperation is the indispensable consideration for the protection of the Republic. This protection is synonymous with the protection of the interests of the United States in the zone of the Caribbean, which not only the Panama Canal but the logic of geographical and political relations has made a keynote in the policy of this Government.

Instead of such an attitude it has seemed that ill-considered projects of most problematical practicability or advantage are light-heartedly undertaken not only without the prior deliberation of the United States but without any scientific or thorough consideration by the Government of Panama. Such a tendency can only bring disaster upon Panama and tend to create a situation where the United States would in the end be obliged to take such direct measures as might be suggested by its recognized interests.

From an economic point of view it is easy to see that the construction of the Panaman section of the Pan-American Railway, as well as such lesser railway construction as may advantage the development of the Republic, will not be easy undertakings to carry through to real success. This is true because of topographical difficulties, sparsity of population, and present backwardness of exploitation. Ultimately to induce responsible and serious investment to build the needed railways Panama possesses rich virgin lands and undeveloped resources. If these assets be frittered away in unsound or ill-considered schemes, then means which wisely used would conduce to substantial prosperity may be found to have been lost with no real return to the people of the Republic.

The Legation will take suitable opportunities to cause this conception of the relations of the two countries and the community of their interests to become gradually known to the officials and people of Panama.

As to the Dziuk railroad concession, the Department does not believe that it will ever come to anything without a branch beyond the Chucunaque River or a transcontinental connection, and the Government of the United States is entirely unable, for fundamental strategic and political reasons in which the interests of the Government of Panama are equally involved, to acquiesce, under any circumstances, in further railway extension as a foreign enterprise beyond the limits herein indicated. If the Government of Panama sincerely desires to construct railways for beneficial and economically sound exploitation of the Republic's resources, the Government of the United States will be glad to cause engineers to join in examining any proposed projects, and will be glad, also, to endeavor to enlist the cooperation of American capital in the construction of any projects approved by both Governments.

In general, as to foreign railway or other concessions having a possible bearing upon the strategic and political interests of the two countries, while very sensible of every legitimate interest of Panama and very desirous of fostering in every way the growth and prosperity of the Republic, the Government of the United States feels that it will be more regardful of the interests of Panama to examine in advance and express itself after ample deliberation upon any such project than it would be to keep silent and then perhaps be obliged at a later date to assert its treaty rights in a manner which might involve the Republic of Panama in serious financial losses.

In giving to the Government of Panama the reply of the Government of the United States that it can not acquiesce in the extension of the proposed railway concession, or any other foreign railway project involving an important extension up the River Chucunaque, or in any other such manner as either to approach in effect a transcontinental line or to approach at all within the vicinity of the Canal Zone, you will add that any question of railway lines deemed to be really necessary would receive the earnest study of this Government, and that the separate question of a desired extension of the area of the city of Panama will continue to receive due consideration.

Adverting once more to the sincere interest of the Government of the United States in a wise and prosperous development of the Republic of Panama, it will be recalled that under instructions from this Government the engineers of the Panama Railroad Company have completed, under the direction of Colonel Goethals, a survey of the route of the proposed Panama-David railroad, the work having been accomplished, it is understood, with great economy as well as efficiency. As to the Panama-David project, for the construction of which it is understood bids are being received from contractors in this country, the Legation will bear in mind that the Government of the United States feels, in the ultimate carrying out of that or a similar project, a special interest because of the importance of any route adapted to form a link in a future Pan-American railroad system. It goes without saying that in matters of the nationality of the enterprise, the route, and other pertinent considerations, the principles embodied in the present instruction are equally applicable to all such undertakings upon the Isthmus.

The Government of the United States would have no disposition to question the intention of the Government of Panama to make its fundamental policy one of frank, considerate, and sympathetic cooperation with the United States, even if such attitude were not dictated alike by moral obligation and by intelligent self-interest. If there have, from time to time, been appearances of any tendency toward lack of coordination of effort in what may have seemed relatively unimportant matters, the President would be inclined to ascribe the fact to misleading inferences as to the true bearings of the matters concerned. Impressed with the great desirability of clear understanding upon matters affecting these large subjects naturally calling for joint consideration, the President has directed that the most painstaking and sympathetic attention to all matters in which this Government may be helpful to the Government of Panama be accorded by the competent Departments, which matters, excepting as to such technical details connected with the canal and the administration of the Canal Zone as may be conveniently dealt with by the local authorities of the United States, will naturally be dealt with through the diplomatic channel through which the views of the United States may at all times be learned with authenticity.

You will read this instruction to the Minister for Foreign Affairs with a view to acquainting him frankly with the sentments and policy of the Government of the United States in these matters, and should he so desire you will leave with him a copy.

I am [etc.]

HUNTINGTON WILSON.

File No. 819.77/70.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 92.]

DEPARTMENT OF STATE,
Washington, September 22, 1911.

SIR: I acknowledge the receipt by the Department to-day of your despatches Nos. 169, 173, and 174, dated respectively September 9th, 12th, and 14th, all bearing upon phases of the railway construction question in Panama, relating chiefly to the Dziuk concession matter and touching also upon the Panama-David project.

On the occasion of carrying out the Department's instruction of the 20th instant, you will, first of all, express to the Minister for Foreign Affairs this Government's appreciation of the cordial spirit of the assurances contained in Mr. Boyd's letter addressed to you on the 8th instant. You may assure the Minister for Foreign Affairs that it is, of course, unnecessary to express the entire confidence of the Government of the United States in the valued assurances then given. You may, indeed, intimate that they might possibly be regarded as rendering not actually necessary, so far as the Dziuk concession is concerned, the further communication which you are about to make under the instruction of the 20th instant. As a preliminary to carrying out that instruction you will readily be able to explain that, actuated by a spirit of friendly frankness, it is deemed best in any case to make to the Government of Panama that lengthy exposition of broad matters of policy which are of such vital concern to both Governments, and as to which it is so important that they should be at all times in accord and free from the possibility of any misunderstanding. The present instruction will, of course, be carried out orally but you will say that you are making these remarks under instructions.

I am [etc.]

HUNTINGTON WILSON.

File No. 819.77/78.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, October 9, 1911.

The bill forbidding any loan for constructing the Panama-David railroad and authorizing use therefor of $6,000,000 now invested in New York, is being rushed through the Assembly. Article 138 of the Constitution is canceled by the bill.

ANDREWS.

File No. 819.77/82.

The American Chargé d'Affaires to the Secretary of State.

No. 184]

AMERICAN LEGATION,
Panama, October 9, 1911.

SIR: Referring to the Department's instructions Nos. 89 and 92, of September 20 and 22, respectively, I have the honor to report that on October 7 I made a formal call by appointment upon the Minister for Foreign Affairs, Mr. Federico Boyd, and after addressing to him the preliminary remarks indicated in instruction No. 92, read to him instruction No. 89.

While I read this instruction, the Secretary commented at length upon it and I confined my replies to the facts in the instruction. Mr. Boyd disagreed on practically one point only, that part of the instruction which summarized the negotiations and correspondence to date, concerning the Dziuk railway concession. He stated that the rivers of the Darien region were not navigable—I presume canoes were not to be considered—and that that region could never be developed without building some railroads there.

Mr. Boyd said that he had for some time lost confidence in Mr. Dziuk and that he desired me to inform the Department that he agreed with their views that the pressure being brought by Mr. Dziuk to obtain extensions of his original concession was an indication of lack of good faith as to his intention in obtaining the original concession.

The Nichols-Scharr correspondence, quoted in the instruction I was reading, Mr. Boyd said he had never heard of before, and he expressed great indignation at the conduct of Mr. Dziuk and his associates in proposing to sell to the United States lands about Piñas Bay. The Panaman Government, or at least the Secretary of Foreign Affairs, was entirely unaware of any such proposal being made in the United States and he stated that in fact such sale or transfer of lands could not be legally made by Mr. Dziuk and his associates without the authority and consent of the Panaman Government.

The Secretary further stated that this matter completely destroyed his already wavering confidence in Mr. Dziuk and he would have nothing further to do with him other than the original concession might render necessary.

The latter part of instruction No. 89 wherein are expressed the views of the American Government upon the relations existing and which should exist between the Government of the United States and the Government of Panama, seemed to cause Mr. Boyd considerable concern.

At the end of the interview, Mr. Boyd stated that he wished me to express to the American Government his sympathy with the views therein expressed as to the identity of American and Panaman interests and that he realized that in its ultimate analysis, the protection of the canal and the independence of the Republic of Panama were identical.

Mr. Boyd expressing a desire to have a copy of the instruction, I left him the copy which the Department had enclosed to me and as I left the room, remarked that doubtless the communication would be of interest to the President and possibly also to the Minister of Fomento, as mention had been made of the latter in the document.

I have [etc.]

WM. WHITING ANDREWS.

File No. 819.77/80.

The American Chargé d'Affaires to the Secretary of State.

No. 185.]

AMERICAN LEGATION,
Panama, October 10, 1911.

SIR: I have the honor to report that the special session of the Assembly adjourned October 9.

Two bills concerning the Panamá-David railway were passed by the Assembly and are now before the President for signature or veto. I inclose a copy and translation of the bill relating to my telegram of October 9, 11 a. m., sent in belief that if the American Government was opposed to the use of the six million dollars on deposit in New York, toward the construction of the Panamá-David railway, an instruction from the Department would enable me, almost certainly, to insure the President's vetoing that bill and stopping the measure in its initial stage.

As this law effects a change in the Constitution, it must, if signed by the President, be reconsidered by the next regular session of the National Assembly: vide Article 137 of the Constitution.

If the *other* bill—which relates to the matter of final surveys, estimates, etc., upon the Panamá-David railway—shall be signed by the President and become a law, I will at once send a translation to the Department and will also notify the Department if this bill, the copy of which is inclosed, shall be signed.

I have [etc.]

WM. WHITING ANDREWS.

[Inclosure.—Translation.]

Bill relating to the Panamá-David National Railway, passed October 9, 1911, and abrogating Article 138 of the Constitution.

The National Assembly of Panama decrees:

Article 1. The Nation shall not contract any debt for the construction and equipment of the National Railroad from Panamá to David with branches in the Provinces of Coclé and Los Santos. The Executive Power is authorized to execute this work with the B.6,000,000 which the Republic possesses at present invested in security mortgages in the United States of America.

Paragraph. Article 138 of the Constitution is abrogated.

Article 2. The Executive Power will allow, moreover, such sums from the national revenues as he may consider proper, for the termination of the work upon the railroad from Panamá to David with branches, if the six millions of dollars to which the previous article refers are not sufficient.

Given in Panamá the 9th day of October, 1911.

The President,
GUILLERMO ANDREVE.

The Secretary,
JULIO ARJONA Q.

File No. 819.77/83.

The American Chargé d'Affaires to the Secretary of State.

No. 190.]

AMERICAN LEGATION,
Panama, October 16, 1911.

SIR: Referring to my despatch No. 185 of October 10, on the subject of the Panama-David railway, I have the honor to report that the status of that matter remains the same as before the recent special session of the National Assembly. Both bills passed by this Assembly referring to the financing and construction of that railway have been vetoed by the President.

I have [etc.]

WM. WHITING ANDREWS.

File No. 819. 77/83.

The Acting Secretary of State to the American Minister.

No. 3.] DEPARTMENT OF STATE,
Washington, November 7, 1911.

SIR: The Department is in receipt of Mr. Andrews's despatch No. 188,[1] of the 11th ultimo, reporting that Mr. R. W. Hebard, who, with Mr. L. E. Myers, was one of the two most prominent contractors that recently offered bids for the construction of the Panama-David railway, proposes to take up, himself, at par, the bond issue, if any is made by the Government of Panama to provide funds for the construction of the railway, and to sell the bonds in Europe.

With his despatch Mr. Andrews sends a copy of a letter received by him from Mr. Hebard in which the latter states his position in the matter, and requests to be informed whether the Government of the United States approves or disapproves his proposed action as to these bonds.

Referring to Mr. Andrews's despatch No. 190, of the 16th ultimo, in which he reports that both bills passed by the Panama Assembly relating to the construction and financing of the Panama-David railway have been vetoed by the President of Panama, the Department would be glad to have you report what effect the vetoes have on Hebard's proposition, and it would also be glad if you would send it a report, up to date, on the disposition that is proposed by the Panaman Government to be made of its funds invested in New York.

I am [etc.]

ALVEY A. ADEE.

File No. 819. 77/83.

The Acting Secretary of State to the American Minister.

No. 4.] DEPARTMENT OF STATE,
Washington, November 7, 1911.

SIR: The Department is in receipt of Mr. Andrews's despatch No. 185, of the 10th ultimo, reporting that the special session of the Panaman Assembly adjourned on the 9th ultimo, and that two bills concerning the Panama-David railway had been passed by the Assembly and were then before the President for his approval or veto. Mr. Andrews's despatch No. 190, dated the 16th ultimo, reporting that both bills have been vetoed by the President of Panama, has also been received.

The Department would be glad to have you send it a report, up to date, on the Panama-David Railroad project.

I am [etc.]

ALVEY A. ADEE.

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[1] Not printed.

File No. 819.77/91.

The American Minister to the Secretary of State.

No. 14.]

AMERICAN LEGATION,
Panama, November 28, 1911.

SIR: I have the honor to acknowledge the receipt of your instructions Nos. 3 and 4, both of the 7th instant (File Nos. 819.77/81 and 819.77/80, 83 respectively), and both relating to the proposed Panama-David Railway. Your instruction No. 3 requests informaton as to what effect the vetoes by the President of Panama of the two bills passed at the recent special session of the Assembly have upon the bid made by Mr. R. W. Hebard. In reply I have the honor to state that Mr. Hebard's original bid, as well as those of the other two American bidders and the French bidder, were all found unsatisfactory and rejected by President Arosemena prior to the calling of the special session of the Assembly for September 25 last.

Your instructions referred to also request a report up to date on the disposition that is proposed to be made by the Panaman Government of its funds invested in New York and upon the Panama-David Railway project as a whole.

Mr. Andrews's despatches have informed the Department of the developments in this matter up to the time of my arrival here. The following information will, I trust, enable the Department to understand the further developments and the situation as I understand it at present.

I have had conversations upon the subject of the Panama-David Railway with President Arosemena, Señor Boyd, Minister for Foreign Affairs, Dr. C. C. Arosemena, Minister of Public Works, and Mr. R. W. Hebard.

In a conversation with Dr. C. C. Arosemena I requested him to give me the exact situation at preesnt. Dr. Arosemena thereupon reviewed the history of this matter stating that all the bids presented having been considered unsatisfactory by the Government, the Government had called the special session of the Assembly in order to secure the alteration of the requirement imposed by section b. of paragraph 3 of Article 1 of Law 6 of 1909 (January 5), forbidding bonds for railway construction to be issued below their face value. This provision was considered to have prevented bidders from having made more satisfactory bids. The Assembly, however, as a purely political measure and to prevent the present Government from gaining any prestige through constructing this railway, had not only failed to alter the requirement in question but had passed two bills, one altering Article 138 of the Constitution and directing the Executive to build the railway with the six million dollars invested in New York, and the other directing the Executive to have another survey made before constructing the line. The object of both bills was merely dilatory and both had been vetoed by the President (despatches Nos. 185 and 190 of October 10 and 16, 1911). This had left the legal situation precisely as it had been before the special session.

In this connection and for greater clearness I enclose a copy of the following documents[1] which, at my request, Dr. Arosemena gave me, certain of which have already been forwarded to the Department:

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[1] Not printed.

1. Pamphlet entitled "Ferrocarril de Panamá a David" (Railway from Panama to David), containing in convenient form the two laws governing the construction of the Panama-David Railway (Laws 6 of 1909 and 2 of 1911); the procès-verbal of the opening of the bids; the text of the bids received from Mr. W. H. Knowlton, Mr. R. W. Hebard, the L. E. Myers Co., and Mr. Blaise Roy (French); the Report of the Consulting Commission of the Ministry of Public Works as to these bids; a memorandum of the Minister for Foreign Affairs as to the construction of this railway; the procès-verbal of the Session of the Cabinet rejecting all the bids and the procès-verbal of the Session of the Cabinet at which the Executive reported the failure of the further negotiations with the former bidders and the Cabinet decided to call a special session. Added to this pamphlet are the specifications issued with the call for bids (enclosure 1).
2. Pamphlet entitled "Panamá-David Railroad: Documents referring to public bids for the construction of a railroad, with branch lines from Panamá to David, Republic of Panamá," containing the report of the preliminary survey of the railway from Empire to David made by the Panama Railroad Co.; a tentative draft of a contract for the construction of this railway and the specifications for the same (enclosure 2).
3. Pamphlet entitled "Informe que el Secretario de Fomento presenta al Señor Designado Encargado del Poder Ejecutivo" (Report presented by the Secretary of Public Works to the Designado in Charge of the Executive Power regarding the bidding for the Construction of the Panama-David Railway). This contains a review of the situation after the refusal of all the bids and recommendations for the consideration of the Special Session of the Assembly, with a draft for a new law (enclosure 3).
4. Printed sheet giving the report of the committee of the Assembly upon the Panama-David Railway project and the modifications suggested in the law proposed by the Minister for Public Works (enclosure 4).
5. Gaceta Oficial of October 14, 1911, giving the text of the two laws passed by the special session of the Assembly and vetoed by the President, a copy and translation of the first of which was enclosed in Mr. Andrews's Despatch No. 185 of October 10, 1911 (enclosure 5).

Continuing, Dr. Arosemena said that under these circumstances, as the Executive was convinced that the people wished the railway to be built, the President had endeavored to make a contract for this purpose acting under the authority conferred by Article 5 of Law No. 2 of 1911 (of January 2, 1911). The Executive considered that it might be best to construct a section rather than the whole of this line at first in order to demonstrate its value. Accordingly, the Government had lately agreed upon a tentative draft for a contract with Mr. Hebard for the construction and operation of the section from Aguadulce to Santiago de Veraguas. At my request Dr. Arosemena furnished me with a copy of this draft,[1] which is enclosed with a translation (enclosures 6 and 7). Mr. Hebard was to present this to his principals in the United States for their acceptance. Dr. Arosemena added that this draft had not been signed and was therefore entirely tentative and did not bind the Government even if accepted by Mr. Hebard's syndicate. Certain details in it in fact had not been entirely settled; especially he desired to reduce the length of the concession (Article XIa) from seventy-five to fifty years. The sum upon which by Article XXI the Government guaranteed 5% interest, which was left in blank in the draft, was one million dollars gold and the period for this guaranty (also left in blank) was the existence of the concession. It is to be noted that the contract (contrary to the Dziuk proposition mentioned below) gives no land, except such as is necessary for the railway, and also gives no option for constructing further sections. The Government expressly guarantees the interest on the one million dollars with the interest from the six million dollars invested in New York. A memorandum attached to the contract obliges the concessionary to allow connections with other railway lines and also allows the Government to use the railway, whenever it considers it necessary, for reasonable compensation.

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[1] Not printed.

Dr. Arosemena stated that an offer to construct the Panama-David Railway had also been received from Mr. Dziuk, the concessionary of the Darien Railway. At my request Dr. Arosemena furnished me with a copy of this offer,[1] which I enclose with a translation (enclosures 8 and 9). Dr. Arosemena stated that he considered this the best offer the Government had received but as it came from a German syndicate and as the Government was resolved only to deal with Americans, he had declined it and advised Mr. Dziuk to see whether he could not get Mr. Myers to interest himself in making through him a similar offer. From what he had subsequently heard, however, he did not think this likely. It is hard to see why Dr. Arosemena should prefer Mr. Dziuk's proposition as it appears distinctly more onerous to Panama.

Dr. Arosemena assured me that the foregoing was the present situation and that no other negotiations were taking place.

I thereupon thanked Dr. Arosemena and stated that I supposed he was familiar with the Department's instruction to the Legation (No. 89 of September 20, 1911) a copy of which had been given to Señor Boyd. Dr. Arosemena replied that he had heard of this instruction but had never seen it, as Dr. Arias, Panaman Minister to the United States, had had it for some time. While expressing my surprise and regret, I advised Dr. Arosemena that it seemed most important that he should read this document as soon as possible. Notwithstanding his statement I believe from what I have heard that Dr. Arosemena is already well acquainted with this instruction.

Subsequently, two days ago, I again met Dr. Arosemena by chance and he informed me that Mr. Dziuk had that afternoon shown him a telegram which he had received from New York from some gentlemen who seemed interested in this railway. He had not been able to see the signature to this telegram at all well, but it seemed to be a German name. Dr. Arosemena added that he had not made up his mind whether or not to deal with Mr. Dziuk, and in reply to my question said that to his regret he had not yet been able to read the Department's instruction. I again pointedly advised him to do so immediately, stating that this instruction would give him better than I could full information regarding the position of the United States as to the construction of railways in Panama by foreign syndicates. Dr. Arosemena I have since learned sent to Dr. Arias soon after and secured the copy of the instruction.

While adding that I did not fail to express my gratification to President Arosemena for his important communications, which I promised to report to my Government,

I have [etc.]

F. PERCIVAL DODGE.

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[1] Not printed.

File No. 819.77/92.

The American Minister to the Secretary of State.

No. 15.]

AMERICAN LEGATION,
Panama, November 29, 1911.

SIR: I have the honor to inform you that Mr. Augusto Dziuk called upon me recently saying that he desired to make my acquaintance. Mr. Dziuk is a German who speaks very little English but who has apparently spent a number of years in Central America and Mexico.

In the course of our conversation he stated that his company, The Balboa and Pacific Estates Co. Ld., and The Balboa and Darien Estates and Railway Co., was Anglo-German, the larger part being of the latter nationality. Among the German members were Count Oppersdorf, a prominent member of the German Reichstag, and Herr von Bethmann-Holweg, a nephew of the German Imperial Chancellor. He expatiated upon the mining and agricultural wealth of the part of Darien to be traversed by his railway, pointing out on a map which I happened to have ("Mapa de la República de Panamá arreglado por Ramón M. Valdés, 1910") the route of this railway, which, starting at Puerto Piñas, followed not far from the coast in a northwesterly direction to the end of a chain of mountains called "Serranía del Sapo." Here the line was to turn and run on the other side of this chain in a southeasterly direction apparently to somewhere near the headwaters of the Sambú River. At this point the line struck north to El Real de Santa María. Mr. Dziuk stated that it was not worth while to go beyond this point unless the extension to Panama City was secured.

In reply to my enquiry as to why the line adopted described such an extremely circuitous route, he replied that as the concessions gave the railway extensive grants of land along its line and as the land in this region was especially valuable, the railway made this détour so as to acquire as much as possible. He further stated that he had bought from the Panaman Government large tracts of so-called "tierras baldías," untilled lands, surrounding Puerto Piñas, about 27,000 hectares. The port of Puerto Piñas was an excellent one, with water enough for ships of deep draft to come close inshore.

As yet no work had been done, except for some plantations started around Puerto Piñas, where about 300 Colombian laborers had gradually been attracted by the prospect of work. He intended to begin work during the coming dry season, about in March, and expected to purchase material from the Isthmian Canal Commission, although I ascertained that as yet he had made no arrangements for this.

In reply to my enquiry as to the gauge of the railway, he said that this depended upon the gauge of the David railway: he would adopt the same gauge, as, with the extension which he had requested to Panama City, this would make a long link in the Pan American Railway.

He referred to his request for the extension to Panama City as "pending."

Mr. Dziuk then stated that an American syndicate was now forming in New York for the purpose of bidding for the construction of the Panama-David Railway. He was to be the representative of this syndicate and if it was successful in its bid, which he hoped before long to be able to present to the Panaman Government, it would employ American materials as the cheapest and best. He added that he wished to begin building both railways (the Darien and Panama-David) at the same time but if his American syndicate did not secure the construction of the latter, he would nevertheless begin the other. Mr. Dziuk did not seem inclined to give any further details as to his American syndicate but evidently wished to lay stress upon his intention of purchasing his materials in the United States.

This information as to Mr. Dziuk's American syndicate may be compared with Dr. C. C. Arosemena's information upon the same subject as reported in my despatch No. 14 of the 28th instant. It would also seem that the real American character of this syndicate, should it materialize, would be a proper subject for investigation.

Regarding Mr. Dziuk's Darien concession and his statement that his request for an extension to Panama City is still pending, "Resolución Número 29" of May 27, 1911, of which a copy and translation are enclosed,[1] clipped from the Gaceta Oficial No. 1452 of June 16th last, shows that this extension was then refused as a "branch" of his main railway while the extension to the headwaters of the Chucunaque was granted. I have lately been informed most emphatically by both President Arosemena and Dr. C. C. Arosemena, Minister of Public Works, that of course the extension to Panama City or any extension in this direction was absolutely and definitely refused.

I also learn that Mr. Dziuk has made the deposit of 10,000 balboas required by paragraph 4 of Article 10 of his contract but has not yet deposited the "maps, profiles and plans" as required by paragraph 2 of Article 10, having secured an extension of the period for doing so as may be seen from "Resolución Número 31," of which I enclose a copy[1] and translation, the former clipped from the Gaceta Oficial, above mentioned.

President Arosemena and others have expressed considerable doubt as to whether under these circumstances Mr. Dziuk will ever begin the construction of his Darien railway.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.77/93.

The American Minister to the Secretary of State.

No. 19.]

AMERICAN LEGATION,
Panama, December 6, 1911.

SIR: Referring to my despatch No. 14 of the 28th ultimo, I have the honor to inform you that Señor Nicanor A. de Obarrio, who is a member of the Panaman Assembly and has apparently been representing Mr. L. E. Myers here, called upon me to-day and showed me a letter from Mr. Myers of which he allowed me to retain a copy (which is inclosed[1]) for my information. Señor de Obarrio stated that he had brought this letter to the attention of President Arosemena and Dr. C. C. Arosemena, Minister of Public Works, and informed me that he did not believe that President Arosemena desired to construct the Panama-David Railway at all. In an apparently rather dissatisfied tone he then purported to give me the results of his conversation with the President and Dr. Arosemena. Señor de Obarrio's statements as to this were not altogether clear to me, but I gathered that at first he had been told that the Government would be prepared to negotiate with Mr. Myers for the final survey of the line, and later that the Government would not consider any proposition which did not have the "OK" of the American Government. Referring to Mr. Myers' letter he stated that the Mr. Lewis mentioned on page 3 was Señor Samuel Lewis, and that he had not left Panama.

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[1] Not printed.

He further stated that Mr. Dziuk was endeavoring to form an American syndicate with German capital to present a proposition to the Panaman Government for constructing the Panama-David Railway and further for constructing a railway connecting with this one and running from Panama City to the headwaters of the Chucunaque River, there joining the railway to be constructed under Mr. Dziuk's Darien concession. Mr. Myers' letter gives his impression of Mr. Dziuk's proposed syndicate.

Señor de Obarrio then stated that he desired information upon something which he had heard lately "in the street," namely, that the Department had recently sent an instruction to the Legation for communication to the Panaman Government which stated that the American Government desired that the Panama-David Railway should not be constructed. I replied that I was extremely glad that he had brought this rumor to my attention, which was entirely without foundation. It was true, I stated, that the Department had lately sent an instruction for communication to the Panaman Government and that this instruction set forth clearly the attitude of the American Government as to the construction of railways generally in Panama. I then gave Mr. de Obarrio in a few words the substance of this instruction, adding that I should be glad to have it become generally known in Panama, in order to make clear the attitude of my Government and thus prevent false reports from circulating in the future.

Subsequently, in a conversation with President Arosemena, he mentioned Mr. Myers' letter to Señor de Obarrio, stating that he was about to send me a copy of it. Señor de Obarrio had been informed that Mr. Myers' proposal would be taken under consideration. The President added that, as the matter was such a serious one, no answer could be made until after serious thought.

As I was leaving, the President handed to me a pamphlet entitled "Official Messages of the President. His Vetoes of the Railroad Measures passed at the session of the National Assembly held September 25 to October 9, 1911. Also an Address to the Nation."

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.77/92.

The Secretary of State to the American Minister.

No. 12.]

DEPARTMENT OF STATE,
Washington, December 12, 1911.

SIR: The Department has received your No. 15 of the 29th ultimo, reporting the conversation between yourself and Mr. Augusto Dziuk, the representative of the Balboa and Pacific Estates Company Limited and the Balboa and Darien Estates and Railway Company, in regard to the railroad concession granted to these companies.

Copies of your despatch and the English text of the enclosure have been forwarded to the Secretary of War.

The Department's views as to this concession are covered by instruction No. 89, of September 20, 1911, to Mr. Andrews.

I am [etc.]

P. C. KNOX.

File No. 819.77/93.

The Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Washington, December 21, 1911.

SIR: The Department has received your confidential despatch No. 19, of the 6th instant, in which you report a conversation between yourself and Señor Obarrio, a member of the Panaman Assembly, in regard to the proposed construction of the Panama-David Railway.

A copy of your despatch has been forwarded to the Secretary of War.

I am [etc.]

P. C. KNOX.

NOTE.—The President's message to Congress on departmental questions[1] was read December 21, 1911; it refers to the Panama Canal and calls attention to the need for legislation relating to the government of the Canal Zone, which should approximate a military government.

File No. 819.77/96.

The American Minister to the Secretary of State.

No. 30.]

AMERICAN LEGATION,
Panama, December 22, 1911.

SIR: Referring to my despatch No. 19, of the 6th instant, on the subject of the proposed Panama-David railway, I have the honor to enclose a copy,[2] and translation which I have made,[2] of a draft contract for the construction of a railway starting from the port of Aguadulce and running to the town of Aguadulce where it is to divide into two branches, one end at Anton, passing through Nata with a prolongation to Penonomé, and the other ending at Santiago de Veraguas. This draft was sent to me on the 20th instant by Dr. C. C. Arosemena, Minister of Public Works, who in an accompanying letter stated that this proposal was recently tendered to him and would shortly be considered by the Cabinet. President Arosemena has also mentioned it to me, saying that he considered it to be quite favorable.

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[1] See page 407 of this volume.

[2] Not printed.

Of the three persons mentioned as contractors, Mr. J. M. Hyatt was until recently American Vice and Deputy Consul at Colon, Mr. H. G. Prescott is an American residing in Panama who during Mr. L. E. Myers' (despatch No. 19) visit here appeared to have some business relations with him, and Mr. Robert Wilcox is said to be an American but as yet I have been able to learn no more about him. I am also unable to say who these gentlemen are connected with in this matter or whether they represent any syndicate. From what I have heard, however, they would not appear to be themselves persons of any importance of financial or business standing.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.77/91.

The Secretary of State to the American Minister.

No. 31.]

DEPARTMENT OF STATE,
Washington, February 2, 1912.

SIR: The Department is in receipt of your despatch No. 14, of the 28th of November last, reporting the status of the proposed construction of the Panama-David Railway.

A copy of the despatch has been sent to the Secretary of War, for his information.

The matter of the construction of the Panama-David Railway is now being considered by the War Department in conjunction with congressional action looking to the operation and maintenance of the Panama Canal.

I am [etc.]

(For Mr. Knox:)
HUNTINGTON WILSON.

File No. 819.77/107.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, March 5, 1912.

The Dziuk concession has been revoked by the Government of Panama, on the ground of failure to fulfill certain of its terms. See my No. 15 of November 29, 1911.

DODGE.

File No. 819.77/108.

The American Minister to the Secretary of State.

No. 78.] AMERICAN LEGATION,
Panama, March 5, 1912.

SIR: Referring to my dispatch No. 15, of November 29, last, and supplementing my telegram of to-day's date, I have the honor to inform you that Señor Arjona, Minister for Foreign Affairs, called upon me to-day and advised me that the Panaman Government had canceled the contract with Mr. Augusto Dziuk for the construction of a railroad in the Darien region, which was approved by Law 48 of 1911 (of January 29). The grounds for the revocation were, he said, the non-fulfillment by Mr. Dziuk of certain terms of the contract, especially his failure to present the plans, etc., required by paragraph 2, of Article 10, of the contract (See dispatch 15 above referred to) and to maintain a representative in Panama, as required by Article 11 of the contract. Señor Arjona, however, informed me confidentially that the reason why his Government desired to cancel the contract was his Government's opinion that this would be agreeable to the American Government and would facilitate the resumption of the negotiations for the exchange of certain lands in the Sabanas adjoining Panama City and forming part of the Canal Zone, for certain water rights in the harbor of Colon. He thought that the Dziuk concession had had the effect of at least temporarily stopping the progress of these negotiations and requested me to inform my Government that the Government of Panama was anxious to resume the negotiations and conclude them as soon as possible.

The question of the cancellation of this contract has been under consideration for some time and has been mentioned to me on several occasions by members of President Chiari's Government. I have refrained from expressing any desire as to this matter, but on some of these occasions I have casually remarked that although over a year had elapsed since this contract was approved, the contractor had as yet apparently done nothing, while his financial support seemed not to be clear. Mr. Dziuk is said to be now in New York, but a request that a further extension of the time for presenting the plans (Articles 10, paragraph 2), was recently made to the Panaman Government by a local lawyer who, I am informed, presented no power of attorney or other authority to act for Mr. Dziuk.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.77/111.

The American Minister to the Secretary of State.

No. 96.] AMERICAN LEGATION,
Panama, March 22, 1912.

SIR: Referring to my dispatches No. 30 of December 22 and No. 39[1] of December 30 last, relative to a draft contract between Señor Arosemena, Minister of Public Works, and Messrs. J. N. Hyatt. H. G. Prescott, and R. Wilcox for the construction of a section of the

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[1] Not printed.

Panamá-David railway, which draft I stated the Panaman Government desired to execute, provided the Department of State had no objection to offer to it, I have the honor to inclose herewith a copy and translation of a note, dated the 21st instant, which I have received from Señor Chiari, Minister for Foreign Affairs. In this note Señor Chiari refers to Señor Arosemena having furnished me with a copy of this contract with a request that I might transmit it to my Government for its consideration (inclosed in Dispatch No. 30 above referred to) and requests that, as no reply has as yet been received from my Government, I will obtain an expression of its opinion in view of the interest of this matter to the country and of the passing of the proper time for starting it.

There would seem to be a fairly considerable desire in the Western provinces and in Panama City for the construction of this railway and a "plank" advocating this has been included in the recently issued programme of the Porrista party. One of the charges made against President Arosemena and his party has also been their lack of real interest in this project which it is well known President Arosemena opposed at first. It seems very likely that President Arosemena's desire to expedite the signing of this contract is at least partly to offset these charges and so assist the party's new candidate, Don Pedro Diaz.

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 914.[

DEPARTMENT OF FOREIGN RELATIONS,
Panamá, March 21, 1912.

MR. MINISTER: In January last, Messrs. Hyatt, Prescott and Wilcox submitted to the Department of Fomento for consideration a draft contract for the construction of a part of the railroad from Panamá to David, which starting from the port of Aguadulce should end in the city of Santiago. This project had the approval of this office, but the contract therefor was not entered into, in consideration of the suggestions made by the Department of State of the United States in regard to the advisability for Panamá of not entering into arrangements of this sort without previous detailed study by your excellency's Government.

According to information furnished to me by the Secretary of Fomento, he submitted for the consideration of your excellency the project of Messrs. Hyatt, Prescott and Wilcox, with the request that it be transmitted to the Department of State for consideration and that he be advised of the result.

As no advices have thus far been received in regard to this matter, which is of great interest for the nation, and as the proper time for the starting of the work is passing, I will greatly appreciate it if your excellency will be good enough to obtain from your Government an expression of its opinion on the projected contract referred to.

The construction of a railroad which will unite the towns mentioned is a work of great possibilities for the future of the country and its agricultural development, since this is made an easy outlet for the products of the provinces of Coclé, Los Santos and Veraguas. Its cost will not be a burden for the Republic, as it is only an experiment which is within the limits of our economic possibilities.

In view of these circumstances, it is to be hoped that the said undertaking will be acceptable to your excellency's Government, which takes such interest in our welfare.

I am [etc.]

EDUARDO CHIARI.

File No. 819.77/111.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 4, 1912.

The Department is carefully considering the matter treated in your No. 96 of March 22 and as soon as possible will communicate with the Government of Panama.

WILSON.

File No. 819.77/112.

The Acting Secretary of State to the American Minister.

No. 42.]

DEPARTMENT OF STATE,
Washington, April 8, 1912.

SIR: Referring to past correspondence in the matter of the construction of a section of the Panama-David railway in which Messrs. J. N. Hyatt, H. G. Prescott and R. Wilcox are interested, and particularly to your No. 96 of March 22 last enclosing a communication from the Minister for Foreign Affairs of the 21st of that month, stating that the contract had not been entered into with the above-mentioned persons because of the suggestion made in the Department's instruction of September 20, 1911, that no arrangement of this sort be consummated without previous detailed study by this Government, and requesting that you obtain from this Government an expression of its opinion on the projected contract referred to, you are informed that in a letter from the Department to the Secretary of War of March 19, it was observed that in view of the technical character of this question and of others that might be brought to the Department's attention for its study, it would be advisable to form a board to pass upon this class of questions. A copy of the Department's letter of March 19 to the Secretary of War and of his reply of the 3d instant are enclosed for your guidance.[1] From this you will observe that the Secretary of War approves in principle the formation of such a commission, and suggests that a board charged with the duties above mentioned be formed, to be composed of the American Minister to Panama, a member of the Isthmian Canal Commission to be designated by the chairman thereof, and the Chief Engineer of the Panama Railroad Company.

For the better understanding of the views of the Department in this important matter, and of its desire scrupulously to proceed in the manner that may best consult the mutual interests of the United States and of Panama, I am enclosing a copy of a memorandum[1] prepared in the Solicitor's office, dated March 4, 1912, which, with the letter of the Department to the Secretary of War above mentioned, should make clear the attitude taken by the Department.

A copy of the reply which the Department is sending to the Secretary of War signifying its entire approval of the formation of a board as indicated in his letter of the 3d instant is also enclosed.[1]

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[1] Not printed.

The Department desires you to put yourself immediately in communication with the other members of the board to the end that the questions involved in the project of the Aguadulce-Santiago Railroad may be passed upon with the utmost despatch and the final results of the examination of this matter transmitted promptly to the Department in order that an expression of the opinion of this Government on the projected contract may be communicated to the Panama Government at the earliest possible date.

It should be added that the board should limit its attention to the technical aspects of the matter now submitted to its examination, the Department reserving for itself the determination of the general questions involved such as that presented by the inclusion of the so-called Calvo clause and the pledging of the canal annuity.

The files of the Legation, it is felt, will furnish the board all information regarding the provisions of the proposed contract needed in order to proceed at once to the study of the questions submitted to its examination. You are authorized to make request of the Panaman Government for any further data regarding this matter which the board may desire in connection with the examination of this question.

I am [etc.]

HUNTINGTON WILSON.

File No. 819.77/112.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 7, 1912.

What progress has been made in the Aguadulce railway project? See Department's No. 42. While the examination should be careful and thorough, it is highly desirable that it proceed as rapidly as possible.

WILSON.

File No. 819.77/118.

The American Minister to the Secretary of State.

No. 128.]

AMERICAN LEGATION,
Panama, May 13, 1912.

SIR: I have the honor to acknowledge the receipt on the 26th ultimo of the Department's instruction No. 42, dated April 8th last, informing me of the appointment of a board composed of myself, a member of the Isthmian Canal Commission and the Chief Engineer of the Panama Railroad Company, to consider the technical merits of the proposed contract between the Panaman Government and Messrs. J. N. Hyatt, H. G. Prescott, and R. Wilcox, for the construction of a railway from Anton, Province of Cocle, to Santiago, Province of Veraguas, via Nata and Aguadulce, and a branch road from Antón to Penonomé.

According to the Department's instruction I immediately put myself in communication with the other members of this board, i. e.

Lieutenant Colonel D. D. Gaillard, U. S. A., member of the Isthmian Canal Commission, who, under instructions from the Secretary of War, had been designated by the Chairman of the Isthmian Canal Commission, and Lieutenant F. Mears, U. S. A., Chief Engineer of the Panama Railroad Company. Subsequently the board held meetings at the Legation on the 25th ultimo and on the 8th and 13th instant, and after full discussion of the proposed contract drew up a report. I have the honor to enclose herewith two signed copies of this report, of which another signed copy has been deposited in the Legation archives and three further copies have been furnished to Lieutenant Colonel Gaillard and Lieutenant Mears for transmission to the War Department and for the archives of the Isthmian Canal Commission and the Panama Railroad Company.

I have [etc.]

F. PERCIVAL DODGE.

[Inclosure 1.]

Report of the Board.

[Extract.]

In conclusion the board desires to state that it is of the opinion that the price per mile as provided by this contract is a fair one, when it is considered that this region is subject to unusually heavy rainfall, which would increase the expense of construction over what it would be in a region of ordinary rainfall. The estimates for the section of the line from Nata to Santiago, via Aguadulce, and for the section of line from Nata to Penonomé, were prepared from the best existing data, i. e., survey made by the Panama Railroad Company for the Panaman Government in 1910; the estimate for the section of line from Nata to Antón were prepared largely from data of the Intercontinental Railroad Survey, which covered the territory in question. This survey shows that the country between Nata and Antón is exceptionally favorable for railroad construction. The opinion of the Panama Railroad assistant engineer, who made the survey of 1910 in this territory, and who has been over this route a number of times in the course of his work, was also given due consideration. It is well known that the first three miles separating the port from Aguadulce presents absolutely no difficulties, as the terrain has a very gentle slope and permits of inexpensive railroad construction.

The average cost of the entire line, according to these estimates, is B. 24.015 per mile, agreeing closely with the price quoted by the contractors. The board believes this road can be constructed within the estimate mentioned, and give a profit of from 10 to 20 per cent to the contractors, depending upon the efficiency of the management and character of weather conditions encountered.

Although the board has attempted to so modify the proposed contract as to insure, so far as possible, construction of a suitable road, yet attention should be invited to the fact that it is not possible to draw any set of specifications which will insure first-class work of this character, unless the official inspectors are thoroughly efficient and zealous in their endeavors to secure a proper performance of the contract.

Respectfully submitted.

F. PERCIVAL DODGE.
D. D. GAILLARD.
F. MEARS.

[Inclosure 2.]

Proposed Contract.

[Extract.]

Article VII. The contractors bind themselves to renounce, as they in fact do renounce entering any claim through diplomatic channels relative to the rights and obligations arising from this contract, and that all controversies

between the Government and the contractors, on account of the interpretation of this contract, shall be submitted in each case to an arbitration tribunal, which shall be appointed in the manner determined in Article VIII.

Article VIII. The arbitration tribunal shall be appointed thus: one by the President of the Republic, one by the contractors, and the other by the Supreme Court of Justice of the Nation. The decision of the majority shall be considered as a final and definite solution for both contracting parties.

Article XVI, paragraph 5. The Government agrees to issue bonds for an amount not to exceed B. 2,000,000 in denominations of $100, $500, and $1,000. These bonds will draw an interest of 5% per annum and will be redeemable at par 50 years from date of issue. To guarantee the principal and interest on these bonds the Government binds itself to set aside yearly from the $250,000 which it will receive annually from the Government of the United States in accordance with Article XIV of the treaty of November 18th, 1903, a sum which shall be sufficient to cover the interest on the bonds as well as a proportional amount for the amortization of the bonds 50 years from date of issue. The bonds will be issued in blocks of $125,000 and will commence to accrue interest from date of issue.

File No. 819.77/120.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 31, 1912.

Concerning the Hyatt and Wilcox contract and your dispatch No. 128 of May 13—the Department would not object to the contract if Article VII were omitted, and paragraph 5 of Article XVI, and if amended so as to conform to the recommendations of the board. You will so inform the Minister for Foreign Affairs, adding that if the railroad is built the United States Government would like to have an understanding that it could use the railroad in case of emergency, the same as the other railroads near the Canal Zone.

KNOX.

File No. 819.77/129.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, August 20, 1912.

Department's telegram of May 31. The Minister of Public Works is apparently disposed to sign the contract, and the Minister for Foreign Affairs assures me that if signed it will conform to all the conditions of that telegram. He adds, however, that it would seem not proper for the present administration to sign a contract of this nature, as it has only five more weeks of tenure, especially as the President-elect, Porras, recently informed me that he did not approve of constructing this section of the Panama-David railroad first.

DODGE.

File No. 819.77/130.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, August 21, 1912.

I am informed by Mr. J. M. Hyatt that in the contract referred to in my telegram of yesterday the provision for hypothecating the $250,000 annuity has been replaced by a provision for hypothecating a portion of the $6,000,000 belonging to the Government of Panama in New York. Mr. Hyatt also says that the substitution has been acquiesced in by the Department of State.

DODGE.

File No. 819.77/130.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 22, 1912.

Your telegrams of August 20 and 21. You will immediately inform the Minister for Foreign Affairs that the Department of State has not acquiesced in the proposition to substitute, as a security for the railway bonds, a portion of the interest of the $6,000,000 referred to, and that no such proposition has been presented to the Department.

ADEE.

File No. 819.77/132.

The American Minister to the Secretary of State.

No. 194.]

AMERICAN LEGATION,
Panama, August 24th, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of August 22 in reply [etc.]

I immediately communicated the substance of the Department's telegram to the Panaman Government in a note, of which I enclose a copy, which I handed personally to Señor Chiarí. Señor Chiarí informed me that he was not aware of this new provision as these negotiations were being conducted by Señor Carlos Constantino Arosemena, Minister of Public Works. To-day I have received a reply from Señor Chiarí of which I also enclose a copy and translation. It will be observed that in this note Señor Chiarí renews the verbal assurances reported in my Despatch No. 187, referred to, that this contract if signed "will be wholly in accord with the indications of the Government of the United States."

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure 1.]

The American Minister to the Minister for Foreign Affairs.

No. 248.] AMERICAN LEGATION,
Panama, August 22, 1912.

EXCELLENCY: Referring to a recent conversation with your excellency in which your excellency informed me that his excellency the Minister of Public Works was considering the advisability of signing the contract with Messrs. J. M. Hyatt and R. Wilcox relative to the construction of a railway from Antón to Santiago via Nata and Aguadulce with a branch line from Antón to Penonomé, mentioned in my note to your excellency of June 3rd last and to the assurances which your excellency then gave me that this contract, if signed, would, of course, conform entirely with the conditions set forth in my note just mentioned, I have the honor to inform your excellency that it has since then come to my knowledge, from an apparently trustworthy source, that in the contract now being considered there has been substituted for the provision relating to the hypothecation of the annuity of $250,000 to be received from the Government of the United States, another provision granting a portion of the interest of the sum of $6,000,000 now invested by the Panaman Government in New York as security for the bonds to be issued for the construction of this railway.

My Government accordingly desires me to inform your excellency, for your excellency's information, that it has not acquiesced in the substitution mentioned and further that the proposed concessionaries of this contract did not present any such proposition to the Department of State.

I avail [etc.]

H. PERCIVAL DODGE.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 2771.] DEPARTMENT OF FOREIGN RELATIONS,
Panamá, August 23, 1912.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's esteemed communication No. 248 of yesterday's date, of which I have noted the contents, then referring it to the Minister of Public Works for him to take note of the declaration which your excellency makes relative to the new clause which, according to the information you have, has been introduced into the proposed contract with Messrs. Hyatt and Wilcox, concerning the construction of a railway from Antón to Santiago with a branch from Antón to Penonomé.

I avail of this opportunity to confirm to your excellency the declaration which I have already made to you, that if this contract is signed it will be wholly in accord with the indications of the Government of the United States.

I avail [etc.]

EDUARDO CHIARÍ.

File No. 819.77/133.

The American Minister to the Secretary of State.

[Extract.]

No. 204.] AMERICAN LEGATION,
Panama, September 3, 1912.

SIR: Referring to my despatch No. 194 of the 24th ultimo as to negotiations proceeding between Señor Carlos Constantino Arosemena, Minister of Public Works, and Messrs. J. M. Hyatt and Robert Wilcox, relative to the signature of the contract between the Panaman Government and these gentlemen for the construction of a railway from Antón to Santiago, etc., I have the honor to inform you that Señor Chiarí, Minister of Foreign Affairs, has now advised me that the contract will not be signed by this administration, which, owing to the fact that it is so near its expiration, will not sign any more contracts, believing this to be improper.

I have [etc.]

F. PERCIVAL DODGE.

WIRELESS TELEGRAPH INSTALLATION IN PANAMA—TREATY RIGHTS OF THE UNITED STATES.

File No. 819.74/2.

The Secretary of the Navy to the Secretary of State.

DEPARTMENT OF THE NAVY,
Washington, December 11, 1911.

SIR: I have the honor to request such information as may be available concerning any wireless telegraph installations existing or proposed on the Isthmus of Panama.

Respectfully,

GEO. VON L. MEYER.

File No. 819.74/3.

The Acting Secretary of the Navy to the Secretary of State.

DEPARTMENT OF STATE,
Washington, December 13, 1911.

SIR: The following recommendation of the Joint Board, dated November 27, 1911, has been approved by the President, under date of December 12:

> 2. That an understanding be reached with Panama to prevent the establishments of private and commercial wireless installations in its territory.

Accordingly, I have the honor to request that necessary steps be taken by the State Department to accomplish the desired understanding with the Republic of Panama in definite terms, so as to prevent the establishments of private and commercial wireless installations in its territory.

I have the honor, further, to request that negotiations to this end be commenced as soon as practicable, as it has come to the attention of the Navy Department that the establishment of a wireless system in Panama is being contemplated, which would seriously interfere with our national policy regarding means of communication in the vicinity of the Canal Zone, as set forth in the above-quoted recommendation.

Respectfully yours,

BEEKMAN WINTHROP.

File No. 819.74/2.

The Secretary of State to the American Minister.

No. 14.]

DEPARTMENT OF STATE,
Washington, December 15, 1911.

SIR: The Department is in receipt of a request from the Secretary of the Navy for a full report on the wireless telegraphic systems proposed or already established on the Isthmus of Panama. You are therefore directed to investigate and report on this matter as promptly as possible.

The Government of Panama of its own volition, and without mention of any treaty provisions which might be relevant, has frequently assured your Legation that no negotiations for any form of telegraphic communication on the Isthmus would be concluded without first communicating with this Government and securing its assent. For this assurance you are referred to Mr. Hitt's despatch No. 21 on June 30, 1910. Yet according to Mr. Campbell's despatch No. 90 of March 1, 1911, a contract between the Government of Panama and the United Fruit Company for the erection of a wireless station at Colon was signed on December 27, 1910; and according to a despatch from the Consul at Colon, dated July 29, 1911, the United Wireless Telegraph Company of New York installed a wireless station of its own at Colon in June, 1910, the very month in which the Minister for Foreign Affairs assured Mr. Hitt that the assent of this Government would be obtained before negotiations for wireless communication on the Isthmus would be concluded.

It does not appear that the assent of this Government to either of these enterprises was ever requested, or given, or even that the Legation was approached in the matter.

In view of these facts you are directed to inquire informally and discreetly of the Minister for Foreign Affairs why the procedure contemplated in the assurance given to Mr. Hitt has not been followed by the Panaman Government.

I am [etc.]

P. C. KNOX.

File No. 819.74/3.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1911.

[Quotes the Joint Board's recommendation (see ante, telegram from the Acting Secretary of the Navy, December 13) and proceeds:]

Your Legation has been frequently assured by the Government of Panama—of its own volition and without mention of any treaty provision that might be relevant—that it would not conclude any negotiation for any form of telegraphic communication on the Isthmus without securing the assent of this Government. You will discuss this matter with the Minister for Foreign Affairs and report.

KNOX.

File No. 819.73/3.

The Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Washington, December 19, 1911.

SIR: Referring to the Department's instruction No. 14, of the 15th instant, and to the Department's telegram of December 16, the Department encloses herewith for your information and for appropriate action a copy of a letter dated December 13, 1911, from the Acting Secretary of the Navy in which is quoted the following recommendation of the Joint Board of the Army and the Navy, dated November 27, 1911, and approved by the President under date of December 12, 1911:

> 2. That an understanding be reached with Panama to prevent the establishments of private and commercial wireless installations in its territory.

A copy of an unnumbered despatch,[1] dated November 29, 1911, from the American Consulate General at Panama on the same general subject is also enclosed herewith.

I am [etc.]

(For Mr. Knox:)
HUNTINGTON WILSON.

File No. 819.74/2.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, December 20, 1911.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant in which you request such information as may be available concerning any wireless telegraph installations existing or proposed on the Isthmus of Panama.

In reply I have the honor to say that an appropriate instruction, based on your letter, has been sent to the American Minister at Panama City, and that, when a reply shall have been received, the Department will be glad to communicate further with you on the subject.

I have [etc.]

P. C. KNOX.

File No. 819.74/3.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, December 20, 1911.

SIR: Referring to the letter dated December 13, 1911, from the Acting Secretary of the Navy in which is quoted a recommendation of the joint board, dated November 27, 1911, relative to the installation of private and commercial wireless stations in the Republic of Panama, I have the honor to inform you that a copy of the letter from your Department has been referred to the American Minister at Panama, for his information and for appropriate action.

I have [etc.]

P. C. KNOX.

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[1] Not printed.

File No. 819.74/4.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, December 21, 1911.

The Minister for Foreign Affairs has told me in conversation that his Government will enter into such an understanding as that indicated in your telegram of December 16, if necessary for protecting the canal and the interests of the United States, but hopes such an understanding will not prevent such use of wireless telegraphy as might aid the development of Panama.

DODGE.

File No. 819.74/4.

The Acting Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, December 26, 1911.

SIR: [After referring to the Navy Department's letters of December 11 and 13, and quoting the Minister's telegram of December 21, the letter continues:]

The Department would be glad to have you give it some expression as to an arrangement that might be made by the Navy Department to handle all wireless messages to and from the Republic of Panama.

I have [etc.]

HUNTINGTON WILSON.

File No. 819.74/6.

The American Minister to the Secretary of State.

No. 83.]
AMERICAN LEGATION,
Panama, December 26, 1911.

SIR: Supplementing my telegram of the 22d [21st ?] instant, relative to the unwillingnuess of the Panaman Government to enter into an understanding with the American Government with a view to preventing the establishment in Panaman territory of wireless telegraph installations of a private and commercial character, I have the honor to report that upon the receipt of your telegram of the 16th instant I discussed this matter discreetly with Señor Boyd, Minister for Foreign Affairs, who immediately replied that he could inform me at once that if the American Government considered that the protection of the canal required such an understanding the Government of Panama was willing to enter into it. He only feared that it might hinder the commercial and agricultural development of the country, which was just beginning, especially if, as seemed possible, future improvements in wireless telegraphy rendered this system more advantageous than cables and also convenient for local use. After some discussion, during which I expressed the belief that such an understanding would not operate unfavorably to Panama, in whose prosperity and development my Government was so deeply interested, Señor Boyd requested a couple of days to consider the matter. On the 22d [21st ?] instant Señor Boyd made me his reply, as promised and as embodied substantially in my telegram referred to. In making this statement he also expressed to me the sincere wish of his Government to assist the American Government in every way possible in securing the adequate protection of the canal.

At the same time, in reply to my question, Señor Boyd informed me that the only wireless apparatus existing in Panama, except such as belonged to the United States, was a small apparatus purchased not long ago by the Panaman Government and established at Panama City for the purpose of communicating with ships in case of disaster and the wireless station of the United Fruit Company at Bocas del Toro.

Further, by the law of December 27, 1910 (Ley 36 de 1910), a contract had been entered into with the United Fruit Company by which this company agreed to establish "an office for wireless communication" (Paragraph a) at Colon for service with the station at Bocas. A copy and translation of this contract is enclosed,[1] from which it will be noted that the company further agrees to establish this service within one year of the approval of the contract (December 27, 1910). The Government on its side cedes to the company the national land in Colon necessary for the installation of a wireless plant for the term of fifty years. The contract further includes an agreement as to tolls, the Government collecting and retaining the tolls on all messages sent from Colon to Bocas and the company doing the same with the tolls on messages sent from Bocas to Colon.

I have learned that the company has not as yet erected any wireless apparatus of its own at Colon, but has established and maintained a wireless service between these points by using the apparatus on its ships, when any are in port, and when none are there by having its messages (both its own and those taken in accordance with its contract) transmitted by the Naval wireless apparatus. From what I have learned through Captain Maxwell, U. S. N., who has recently arrived here on a mission from the Navy Department connected with the establishment of a powerful wireless station at Culebra, this arrangement appears to be satisfactory to our Naval officials, who in return secure from the United Fruit Company the transmission of their messages through the company's stations at Bocas, Puerto Limon, and at other places.

As to why the company has never constructed any station of its own at Colon, it would seem that none of the Panaman Government lands at Colon were found suitable for the purpose. Moreover, the company apparently believes that the naval station will shortly be abandoned at Colon when the Culebra station is established, thus giving them an opportunity to acquire this site which is one of the only desirable ones apparently in this locality. I am confidentially informed by Captain Maxwell that the Navy Department will probably not give up this site.

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[1] Not printed.

In this connection I may state that on the 24th instant Captain Maxwell kindly informed me that an agent of the United Fruit Co. had just called him up by telephone and requested an interview, which was urgent as he stated, because the company's contract at Colon would expire on the 27th, presumably it would seem, on account of noncompliance with the terms of its contract requiring the establishment of a wireless station within the year, although from the wording of the contract this does not seem altogether clear. In view of this and of the possibility that some action might be taken by the Panaman Government at the request of the company which would be unfavorable to the understanding mentioned in your telegram of December 16, I took an early opportunity to mention the matter to Señor Boyd, who stated that, so far as he knew, the company had been fulfilling its contract although he was unaware that it had not constructed any wireless station at Colon. I then said that although in view of our recent conversations I thought it unnecessary to mention it, nevertheless I might say that I hope of course that his Government would do nothing to alter the status quo of the wireless telegraph situation without previously giving me an opportunity of communicating with my Government. Señor Boyd cordially agreed to this, adding that he would even go so far as to offer to rescind this contract if my Government desired it and saw any ground for so doing.

As yet the United Fruit Co. have apparently had no communication with the Panaman Government as to this matter, and it would seem unlikely that they will have any. It would also seem that they will not be able to establish a wireless station at Colon unless they are able to secure the present Naval station there.

I have [etc.]

F. Percival Dodge.

File No. 819.74/8.

The American Minister to the Secretary of State.

No. 41.]

American Legation,
Panama, January 3, 1912.

Sir: I have the honor to acknowledge the receipt of your instructions No. 14 of the 15th ultimo and No. — [unnumbered instruction] of the 19th ultimo [etc.]

My telegram of December 21, in reply to the Department's telegram of December 16, has informed the Department that the Panaman Government is ready to enter into such an understanding. My despatch No. 33 of the 26th ultimo supplemented this telegram and also informed the Department that I had been advised by Señor Boyd, Minister for Foreign Affairs, that the only wireless stations existing in Panaman territory were the small apparatus of the Panaman Government in Panama City and the United Fruit Company's station at Bocas del Toro. My despatch also gave the status of the United Fruit Company's wireless situation at Colon.

Since writing this despatch I have had a further conversation with Señor Boyd, who informs me that he has recently received a request from Mr. McFarland, the agent of the United Fruit Company mentioned in my despatch No. 33, for permission to establish a wireless station upon the land now occupied by the naval wireless station at Colon as soon as this station is removed to Culebra. Señor Boyd informed me that he had replied to Mr. McFarland that this permission could not be given to his company, in any event for the present, as the Panaman Government was considering whether the United Fruit Company's contract with the Government for the establishment of a wireless station at Colon (of which a copy and translation was enclosed in my despatch No. 33) had now lapsed, owing to the company's failure to comply with certain of its terms. Señor Boyd stated that this reply had been made in view of my request that the Panaman Government would do nothing to alter the status quo of the wireless telegraph situation without previously giving me an opportunity for communicating with my Government (despatch No. 33). A delay of several weeks was thus secured, during which he hoped that the Department would be able to advise the Panaman Government, through me, as to what course it was desired that it should pursue in this matter. Señor Boyd is not aware that the Navy Department has now practically, as I understand, decided not to give up the Colon wireless station (despatch No. 33).

I then took occasion, in accordance with your instruction No. 14, informally and discreetly to mention to Señor Boyd that the assent of the American Government to this contract with the United Fruit Company had never been requested or given, although the Legation had frequently been assured that no negotiations for any form of telegraphic communication on the Isthmus would be concluded without first communicating with the American Government and securing its assent. Señor Boyd replied that he did not understand why the Panaman Government had failed to live up to this engagement, as this had occurred before he entered the Foreign Office, but that he could give me full assurances for the future. Upon my also mentioning the establishment in June, 1910, of a wireless station at Colon by the United Wireless Telegraph Company of New York, Señor Boyd said that he was entirely unaware of the existence of this station, that he was certain that permission for erecting it had never been given, and consequently that the Panaman Government could cause it to be removed at anytime. There was no law covering the establishment of wireless stations in Panama; therefore, according to Panaman law, express permission from the Government was required in each case. Señor Boyd then again assured me with great earnestness that he had given me the exact present situation and that the Panaman Government, far from contemplating entering into any wireless agreements, was awaiting the moment for signing the understanding desired by the United States to prevent the establishment in Panaman territory of private and commercial wireless installations which he presumed would soon be presented to him.

Captain Maxwell, U. S. N., whom I mentioned in my despatch No. 33, informs me that this United Wireless station at Colon has not been used for the past four months and that its range probably does not exceed one hundred miles. Mr. Kellogg, our Consul at Colon, informs me that the agent of the Royal Mail Steam Packet Company states that it will soon be in operation again. Captain Maxwell further informs me that the United Wireless system is used by the ships of the Royal Mail, the Panama Railroad Company and probably the Hamburg American Line, while the United Fruit Company presumably uses the Telefonken system.

Captain Maxwell states that Mr. G. N. Clark, subinspector of naval wireless telegraph stations, who has recently arrived here for the purpose of making certain wireless experiments for the Navy, especially with a view to selecting the site for the high-power wireless station at Culebra, is intending soon to make experiments at the naval station at Colon which will enable him to determine what wireless stations exist within a radius of one thousand miles. The results of these experiments, which Captain Maxwell has kindly instructed Mr. Clark to communicate to me, will show apparently definitely whether any stations besides those mentioned by Señor Boyd exist in Panaman territory. I enclose, as of interest in this connection, a copy of a memorandum handed to me by Captain Maxwell and drafted by Mr. Clark, regarding the installation of a complete wireless telegraph system in the Isthmian Canal Zone with a special reference to the technical questions involved by the topography of the country.

I have taken occasion to request Señor Boyd since his resignation from the Foreign Office, to inform his successor, Señor Chiari, fully as to our conversations and understandings regarding this matter, and he has informed me that Señor Chiari is already fully advised.

While desiring to express my appreciation for the assistance and information given me by Captain Maxwell in this matter,

I have [etc.]

F. PERCIVAL DODGE.

[Inclosure.—Extract.]

PANAMA, *December 29, 1911.*

Memorandum regarding the installation of a complete wireless telegraphy system in the Isthmian Canal Zone, with special reference to the technical questions involved by the topography of the country.

The project for Naval uses in controlling vessels of war in both oceans, both at a great distance and near by, from the station at Washington, at present involves the installation of a high-power station at the most favorable location approximately midway between the Atlantic and Pacific, and two low-power stations peculiarly located with respect to their geographical situations with reference to each other and the larger station.

Moderate [sic] wireless telegraph practice has shown positively that even with the most highly developed system available to-day it is impossible for two stations of like power to work simultaneously without interference with each other when located within the geographical limitations imposed by the question at issue. Both stations can be used at the same time for transmitting, as far as they themselves are concerned, although the respective receiving stations with which they are in communication will experience interference in the general case. Similarly both stations can be used simultaneously for receiving, under special circumstances. But for one station to receive while the other is transmitting is impossible, and a knowledge of actual daily conditions at wireless telegraph stations shows that this third condition occurs during by far the greatest percentage of the total time.

It is, however, possible with properly designed apparatus to have a high-power station communicating with another station at a distance, both stations using a long wave length, without there being any mutual interference between it and a low-power station some distance away using a short-wave length. If in addition, the topographical conditions are such that the conditions for the propagation of electric waves between the high and low power stations are very poor, the combination of great difference in wave lengths, difference in heights of aerials, difference in amounts of power used, and the poor connecting ground conditions between each of the low-power stations and the high-power one, can be utilized so as to absolutely prevent any interference between the two, although of course they can communicate if desired by mutually altering their wave-length relations.

Since for long distance work a long wave length is essential, while for short distance communications a short wave is better, the operation in the Canal Zone of a system embodying one major and two minor stations, without mutual interference, is perfectly possible.

For the large station, three four-hundred-foot powers are proposed, and the following buildings: (1) Power, storage battery, and transmitter building; (2) receiving and operating building; (3) quarters for five operators; (4) five-room cottage for electrician in charge; (5) oil house and tank, if possible. Station will if practicable be located on the same side of the Canal as the principal activities. The small power stations will probably have a combined receiving and transmitting house, and quarters for five operators. At the large station at least will be supplied two breakdown sources of power, the main supply being the high-tension line from the Canal Zone power plant, and the breakdown supply being a storage battery and an internal combustion engine.

The military necessity for these three stations is evident when consideration is given to their several functions. The high-power station is designed primarily for long-range communication with Washington, Mare Island, ships at sea in both the Atlantic and Pacific Oceans at a distance of about three thousand miles, and, ultimately, important stations in a southeast and southwest direction. * * *

For medium ranges, say 200 to 1,000 miles, a second serial of smaller dimensions than that used for the long waves will be part of the installation. * * *

The low-power stations serve a much more important end. Were they not installed, at least one such set would have to be placed at the high-power station, for short range work with the fleets operating in either ocean. Both for military and other reasons—such as operating expenditures—it would be very objectionable to use the high-power station for this work. This small set could not work independently of the larger one, and hence would cut down its operating efficiency. By locating two low-power sets on the Atlantic and Pacific sides, respectively, however, each can work with vessels up to 200 miles at sea without interfering with each other or with the high-power station. * * *

The Navy Department's policy during the past year has been to absorb as far as possible all commercial stations operating near Naval stations, because (1) the commercial stations were operated with apparatus inferior to that of the Navy in point of efficiency and sharpness of tuning, thereby causing much needless interference with other stations attempting to intercommunicate at the same time. (2) as previously stated, it is impossible for stations of the same order of power and wave length to work near each other without constant mutual interference. * * *

In general, the following conclusions may be drawn:

(1) It is impossible to use two simultaneously operating stations of the same operating range without constant mutual interference, making the total number of messages which can be handled approximately a constant whether one or both stations be used.

(2) It will very probably overtax the ability of a single high-power station in the Canal Zone to handle long distance work as well as local.

(3) It is perfectly possible to operate small-powered and high-powered stations in close geographical relations with each other without mutual interference. Hence the system can be simultaneously operated. The smaller stations can handle local work, which they are eminently fitted to do, and the large station can take care of long range work the class for which it was primarily designed.

(4) From a military point of view, the ability to keep in touch with Washington from the Canal Zone and at the same time keep in communication with a fleet in the Atlantic or Pacific or both is an absolute necessity.

Respectfully submitted.

G. H. Clark,
Subinspector, Wireless Telegraph Stations.

File No. 819.74/6.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, January 6, 1912.

SIR: Referring to this Department's letter to you of the 26th ultimo on the subject of wireless telegraph installations existing or proposed on the Isthmus of Panama, and of a possible agreement between this Government and that of Panama looking to the prevention of the establishment of private and commercial wireless stations on the Isthmus, I have the honor to transmit herewith a copy of a despatch from the American Minister to Panama, dated December 26, 1911.

From an examination of this despatch, which is confirmatory of the telegram paraphrased to you with this Department's letter referred to above, it would seem not improbable that the Government of Panama will be willing, although Mr. Boyd, the Foreign Minister with whom Mr. Dodge discussed the matter, has since resigned, to negotiate such an agreement as you suggested in your letter of the 13th ultimo, provided the Navy Department in operating the wireless system on the Isthmus will place no restriction on the acceptance of private and commercial messages, such as would in any way hinder the industrial development of the Republic of Panama. It would also seem, from Mr. Dodge's despatch, that the United Fruit Company does not intend to construct a wireless station at Colon as provided in the contract, a copy of which is transmitted as an enclosure with Mr. Dodge's despatch.

In this connection and in view of the liklihood that legislation for the permanent government of the Canal Zone will soon be enacted, I beg to suggest the advisability of causing the insertion in any legislation for this purpose of a provision authorizing the President to regulate the erection and operation of wireless telegraphic installations on the Canal Zone and to provide for the acceptance and transmission by the Government wireless telegraphic system of private and commercial messages, as well as those of the Government of Panama, at toll rates to be prescribed by the President in his discretion. It is noted that there is no such provision in the Mann bill.

This Department will await a further expression of your desires before again instructing the Legation at Panama with regard to this matter.

I have [etc.]

P. C. KNOX.

File No. 819.74/6.

The Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Washington, January 11, 1912.

SIR: The Department acknowledges the receipt of your confidential despatch No. 33, of December 26, 1911, relative to the establishment of wireless telegraph stations on the Ishthmus of Panama.

A copy of your despatch has been transmitted to the Secretary of the Navy, for his information.

I am [etc.]

P. C. KNOX.

File No. 819.74/9.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, January 11, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of January 6, 1912, relative to the subject of wireless telegraph installation existing or proposed on the Isthmus of Panama; and to express my sincere appreciation of the efforts of your Department to further the Navy's interests in the erection and operation of wireless installations on the Isthmus.

Referring to your suggestion as to the advisability of inserting a provision in the Mann bill authorizing the President to regulate the control of wireless on the Canal Zone, I beg to inform you that it meets with our approval, and a letter to this effect will be transmitted to the chairman of the Committee on Interstate and Foreign Commerce.

When the selection of sites for subsidiary wireless stations along the coasts of Panama has been completed, the Department will submit recommendations concerning an agreement with the Government of Panama for the operation of the wireless system on the Isthmus, outside the Canal Zone.

Respectfully yours,

GEO. VON L. MEYER.

File No. 819.74/9.

The Secretary of State to the American Minister.

No. 25.]

DEPARTMENT OF STATE,
Washington, January 17, 1912.

SIR: The Department has received your No. 41 of the 3d instant, in reply to its instruction of the 15th ultimo, to investigate and report as to the wireless telegraphic systems proposed or already established on the Isthmus of Panama.

A copy of your dispatch has been sent to the Secretary of the Navy for his information. In this connection a copy of a letter of the 11th instant from the Secretary of the Navy is herewith inclosed.

I am [etc.],

P. C. KNOX.

File No. 819.74/8.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, January 17, 1912.

SIR: Referring to previous correspondence, I have the honor to inclose herewith for your information a copy of a dispatch of the 3d instant from the American Minister at Panama, reporting on the wireless telegraphic systems proposed or already established on the Isthmus of Panama.

I have [etc.]

P. C. KNOX.

File No. 819.74/10.

The Secretary of the Navy to the Secretary of State.

DEPARTMENT OF THE NAVY,
Washington, January 23, 1912.

SIR: Referring to my letter of January 11, 1912, in which it was stated that request would be made for further negotiations with the Republic of Panama towards setting aside certain sites along its coasts for wireless stations, I have the honor to inform you that the location of the desired sites has been decided upon, and to request that the Department of State take steps towards the cession of these sites to the United States for the use of wireless telegraph stations.

The Navy Department desires to make the following specific propositions, which I beg you to convey to the Panaman Government, with regard to the further status of wireless on the Isthmus of Panama:

(*a*) That the Navy shall erect, operate, and maintain wireless telegraph stations upon sites ceded by the Republic of Panama to the United States for that purpose, in the approximate localities hereinafter named, and in such other places as may be selected by agreement between the two Governments concerned; the exact locations to be decided by representatives of the Panaman Government and the Navy Department. The approximate locations selected on the Atlantic coast are:

(1) Bocas del Toro, Almirante Bay.
(2) Portobello, where the present station will be continued.
(3) Armila, near Cape Tiburon.

Along the Pacific coast:

(4) Piñas Bay.
(5) Cape Mala.
(6) David Bay.

These locations are merely approximate, since it will require considerable time to test the electrical conditions at each proposed site, but the exact site should fulfill the conditions of being well situated electrically, near a town or village and consequent supplies, and when practicable, near a roadway, telegraph or cable, that is or may be established. Furthermore, these stations must be so located with reference to one another and to the low-power stations now erected or projected in the Canal Zone as to form a complete chain of stations covering the entire Isthmus.

(*b*) That the Navy shall have the exclusive right to the erection and operation of all wireless installations in the territory of Panama. This is a reasonable request, based upon our Government's guarantee of the integrity of Panama and its reciprocal obligation to give us the right to protect the Republic of Panama and Canal Zone; the control of wireless will be a vital factor in preventing foreign encroachments and aggressions.

(*c*) As an adequate return for the above concessions on the part of the Panaman Government, the Navy will guarantee:

(1) To handle all messages of the Panaman Government free of charge, and to give them the right of way over private or commercial messages.

(2) To handle all private or commercial messages at such tolls as the President, in his discretion and pursuant to an act of Congress, may prescribe.

(3) To place no restrictions upon the acceptance of commercial or private messages such as would in any way hinder the industrial development of the Republic of Panama.

(4) To erect and operate such additional stations in the Republic of Panama as may become necessary for military reasons or for the proper handling of business in the Isthmus, and which may be erected pursuant to agreement between the two Governments.

(5) It is believed that the protection of the Republic of Panama, its development, and commercial interests will be fully conserved by the agreement proposed, and in view of the early completion of the Panama Canal, it is urged that an early decision be reached in this matter for the mutual benefit of Panama and ourselves.

Respectfully yours,

GEO. VON L. MEYER.

File No. 819.74/10.

The Secretary of State to the American Minister.

No. 29.]

DEPARTMENT OF STATE,
Washington, January 31, 1912.

SIR: Referring to past correspondence on the subject of wireless telegraph stations in Panama, a copy of a letter dated January 23, 1912, from the Secretary of the Navy, setting forth the desires of that Department with regard thereto is enclosed for your preliminary information.

The Department is studying carefully the proposals of the Navy Department in order to determine the form which negotiations looking to the realization of the Navy Department's desires should take.

I have [etc.]

P. C. KNOX.

File No. 819.74/11.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, February 10, 1912.

The Government informs me that a 5-kilo wireless watt apparatus was ordered about November 14 from Flint & Walling, New York, to be erected on the National Theater, Panama, for Government use. A portion of it has lately been received. Subinspector Clark says such an apparatus will seriously interfere with the proposed Navy apparatus at Balboa and near Culebra. I have therefore obtained from the Minister for Foreign Affairs a delay of installation pending Department's instruction.

DODGE.

File No. 810.74/12.

The American Minister to the Secretary of State.

No. 71.]

AMERICAN LEGATION,
Panama, February 14, 1912.

SIR: Supplementing my cipher telegram of the 10th instant, I have the honor to inform you that about the first of this month a report reached me that the Panaman Government had ordered a wireless apparatus to be erected in Panama City and that practically at the same time Major S. D. Butler, U. S. M. C., commanding the Marines detachment at Camp Elliott, Canal Zone, called upon me and showed me reports which he had received, one from Mr. G. H. Clarke, U. S. N., subinspector of wireless telegraph stations, dated the 29th ultimo, and one from Inspector A. G. Belknap, of the Zone police, dated the 5th instant, copies of both of which are enclosed.[1] Both reports give details regarding a wireless apparatus ordered by the Panaman Government and the former quotes a statement, said to have been made by Mr. R. D. Prescott, Inspector General of Panaman Telegraphs, that "we are going to let the United Fruit people put in a high-power station at Colon, but we are not going to allow anyone else to put up stations in the Republic."

In this connection I may mention that as soon as President Arosemena announced his decision to take a leave of absence I took occasion to request him to inform his successor, Señor Chiari, fully as to my conversations with Señor Boyd, formerly Minister for Foreign Affairs, regarding wireless telegraphy in Panama, which he promised to do. Upon the appointment of Señor Arjona as Minister for Foreign Affairs, I further took occasion to inform him fully of my conversations with Señor Boyd and Señor Arjona then stated to me that he would also inform Señor Chiari as to this matter. He further stated that I might rest assured that nothing would be done by the Panaman Government tending in any way to alter the existing wireless telegraph situation without previously communicating with me and affording me an opportunity for obtaining my Government's instructions.

Upon receiving the above-mentioned information from Major Butler I immediately inquired as to it of Señor Arjona, who informed me that as he had so recently taken office he had no knowledge either as to the wireless apparatus mentioned nor as to the alleged statement of Mr. Prescott regarding the United Fruit Company, but that he would be glad to make inquiry and advise me. Accordingly, on the 10th instant Señor Arjona handed me a copy of a memorandum signed by Mr. Prescott, a copy of which is enclosed.[2] I also enclose a copy of the requisition[1] addressed on November 14th last to the Minister of Hacienda by the Director General of Posts and Telegraphs containing the specifications for the tower to be ordered for the wireless apparatus which was given me by Señor Acevedo, the new Minister of Hacienda.

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[1] Not printed.

[2] Not printed; it gives specifications for a "wireless station for Panama, to be erected on top of Panama opera house" (National Theater).

From these documents and other information furnished to me by the Ministers for Foreign Affairs and Hacienda, it appears that about November 14th last a 5-kilowat telefunken system wireless apparatus was ordered by the Panaman Government from the firm of Flint & Walling, of New York, to be erected on the National Theater in Panama City and to be used especially for communication with ships. Although the entire apparatus has been ordered, only the materials for the tower have arrived as yet and were to have been erected beginning within a few days. Mr. Prescott has informed me that the cost of the apparatus is about $7,500, to be paid in three installments, one of which I understand has already been paid. The cost of the small building to be erected for the operator and the installation of the apparatus will amount to about $2,500 more. Mr. Prescott further stated that the expected day radius of the instrument was about 350 miles, but with a second steel tower, which might be ordered later, its range would probably be increased to 500 miles.

Under these circumstances, and especially in view of Mr. Clark's statement that this apparatus of the Panaman Government will positively interfere greatly with the proposed Naval wireless station at Balboa and near Culebra, I inquired of Señor Arjona as to whether he would have any objection to deferring the installation of this apparatus until I was able to inform my Government in regard to it and receive its instructions. Señor Arjona replied that he understood the difficulties which this apparatus might cause, that he did not see what need his Government had of it in any case, and that he would be happy to have the work deferred as I requested.

As to Mr. Prescott's statement regarding the United Fruit Company, Señor Arjona has now informed me that he knows nothing of any such an intention which would, in any case, be subject to our agreement regarding the nonalteration of existing conditions.

In this connection I may mention that the small apparatus referred to in Mr. Clark's report as maintained by Mr. Prescott on the roof of the Armour Building in Panama City is the apparatus mentioned in my despatch No. 33 of December 26 last which Señor Boyd informed me belonged to the Panaman Government. Mr. Prescott has stated to me that this apparatus belongs to him personally.

I may add that I have inquired of Señor Boyd as to why he had not formerly advised me of the order for this apparatus and he has assured me that he knew nothing of it until a few days ago, and that President Arosemena, to whom he had at the time related my conversations with him requesting full information for me, had never mentioned it. I do not believe that there has been any intention on the part of the Panaman Government to conceal this order, but rather that the failure either of Señor Boyd or of Señor Chiari, his successor, to inform me is the result of the lack of cooperation between the various branches of the Government.

I have [etc.]

F. Percival Dodge.

File No. 810.74/13.

The Acting Secretary of State to the American Minister.

No. 43.]

DEPARTMENT OF STATE,
Washington, April 15, 1912.

SIR: Referring to past correspondence relative to the establishment of wireless telegraph stations in Panama, there is enclosed herewith for your information a copy of the Solicitor's memorandum dated April 4, 1912, considering the subject from the point of view of the rights given to the United States by treaty to erect and maintain wireless stations not only in the Canal Zone, but in parts of the Isthmus itself.

I am [etc.]

HUNTINGTON WILSON.

[Inclosure.—Memorandum.]

DEPARTMENT OF STATE,
OFFICE OF THE SOLICITOR,
Washington, April 4, 1912.

Operation of Wireless Telegraph Stations on the Isthmus of Panama.

It appears that the Navy Department desires to erect wireless telegraph stations, not only in the Canal Zone, but in parts of the Isthmus itself, and to operate the same when constructed as monopolies, at least as to certain kinds of stations.

The Latin-American Bureau requests an opinion as to the form the negotiations for obtaining the realization of the Navy Department's plan should take, whether it should be an exchange of notes or otherwise.

It is my judgment that, as against the Government of Panama, this Government already enjoys, under the Canal Treaty of 1903, full right and authority to carry out the plans desired by the Navy Department in the erection and maintenance, as a monopoly, of wireless telegraph stations not only in the Zone but on the Isthmus itself. Unless, therefore, owing to some reason of policy another course is deemed desirable, it would not seem necessary to enter into any formal negotiations at all for the acquisition of any right or permission to do the thing desired. The exchange of notes could be confined merely to the announcements and arrangements necessary for the carrying out of the work.

The grounds upon which the above conclusions have been reached may be set forth as follows:

(1) *It is a general rule of international law that treaties must be construed broadly not narrowly and technically, and with a view to ascertaining and carrying out the broad general purpose for which the treaty was concluded.*

The following authorities, which include authorities on international law from the earliest writers to the present, as also the rulings of our own Supreme Court, show that this rule is one that has been uniformly followed since international law began to be observed in dealings between nations.

Vattel, in his work on the "Law of Nations," devotes a great deal of space to the question of the interpretation of treaties, and the principle as above set forth, underlies his entire dissertation upon this subject. The more immediately pertinent parts of his comments read as follows:

> We ought always to affix such meaning to the expressions as is most suitable to the subject or matter in question, for, by a true interpretation, we endeavor to discover the thoughts of the person speaking, or the contracting parties in a treaty. (Vattel, Book 2, chap. 17, sec. 280.)

Again Vattel says:

> Laws and treaties can only be worded in a general manner; and it is the interpreter's province to apply them to particular cases, conformably to the intention of the legislature, or of the contracting powers. (Op. cit. sec. 282.)

Again:

> It is not to be presumed that sensible persons, in treating together, or transacting any other serious business, meant that the result of their proceedings should prove a mere nullity. *The interpretation, therefore, which would render a treaty null and inefficient, can not be admitted.* We may consider this rule as a branch of the preceding; for, it is a kind of absurdity to suppose that the very terms of a deed should reduce it to mean nothing. It ought to be interpreted in such a manner as that it may have its effect, and not prove vain and nugatory; and in this interpretation we proceed according to the mode pointed out in the foregoing section. In both cases, as in all interpretations, the question is, to give the words that sense which ought to be presumed most conformable to the intention of the parties speaking. If many different interpretations present themselves, by which we can conveniently avoid construing the deed into a nullity or an absurdity, we are to prefer that which appears the most agreeable to the intention of those who framed the deed; the particular circumstances of the case, aided by other rules of interpretation, will serve to point it out. (Op. cit. sec. 283.)

In the following section Vattel lays it down that—

> The reason of the law or of the treaty—that is to say, of the motive which led to the making of it, and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning; and great attention should be paid to this circumstance, whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case. *When once we certainly know the reason which alone has determined the will of the person speaking we ought to interpret and apply his words in a manner suitable to that reason alone.* Otherwise he will be made to speak and act contrary to his intention, and in opposition to his own views. (Op. cit. sec. 287.)

Kent, in his address on the Law of Nations, asserts that—

> Treaties of every kind, when made by the competent authority, are as obligatory upon nations as private contracts are binding upon individuals; and they are to receive a fair and liberal interpretation, according to the intention of the contracting parties, and to be kept with a most scrupulous good faith. (Kent's Commentaries, Vol. I, p. 175.)

Phillimore, in his work on International Law, lays down, as a fundamental proposition in the matter of the interpretation of treaties, that—

> All international treaties are covenants *bonae fidei*, and are, therefore, to be equitably and not technically construed. (Vol. 2, 3d ed., p. 94.)

Phillimore further comments as follows:

> First. The rule which has already been adverted to, of deriving the interpretation of a particular passage from a comparison with the whole context of the instrument, and which mode of interpretation belongs as much to the *logical* as to the *grammatical* division of the subject. Mr. Wildman illustrates this position by the following example: "The ninth article of the Treaty of Utrecht provided that the port of Dunkirk should be destroyed. 'Nec dicta munimenta portus moles aut aggeres denuo unquam reficiantur.' The plain intention of this stipulation was to prevent the existence of a French port of military equipment in the midst of the Channel. The King of France, while he was destroying the port of Dunkirk, in accordance with the article of the Treaty, was constructing at Mardick, at the distance of a league, another port of greater dimensions and importance. The English Government remonstrated upon the absurdity of putting such a literal construction upon the article as would entirely defeat its object; and the French Government ultimately acquiesced, and discontinued the works. It was stipulated by the fourth article of the treaty between France and England, concluded at the Hague in 1777, that no new port should be formed within two leagues of Dunkirk and Mardick."
>
> Second. The rule of considering the ground or reason (*ratio legis*) in which the Treaty originated, and the object of those who were parties to it. This is a less safe and less certain mode of interpretation, and one which requires more caution in its use and application. (Op. cit. pp. 102–103.)

Westlake, in his recent work on International Law (Part I, Peace, p. 282), has the following discussion regarding the interpretation of treaties:

> The interpretation of treaties has been considered at much length by many writers on international law, and rules on it have been suggested which in our opinion are not likely to be of much practical use.
>
> The important point is to get at the real intention of the parties, and the enquiry is not to be shackled by any rule of interpretation which may exist in a particular national jurisprudence, but is not generally accepted in the civilized world. On the whole we incline to think that the interpretation of international contracts is and ought to be less literal than that usually given in English courts of law to private contracts and acts of Parliament. In the first place, English drafting is more minutely careful, and correspondingly English interpretation is more literal, than is common in those countries to which most of the ministers and diplomats who are responsible for the wording of international contracts belong. And secondly, the nature of the matters dealt with by those eminent functionaries, and the peculiar conditions under which they work, must be considered. A style of drafting accommodated to the expectation of a very literal interpretation would necessitate the suggestion and discussion of so many possible contingencies, as would be likely to cause needless friction between the representatives of countries not always very amicable. It seems best in the interest of peace that, when an agreement on broad lines has been reached, it should be expressed in language not striving to hide a felt doubt, but on the other hand not meticulously seeking occasions for doubt; and to such a style of drafting, which we believe to be that most common in treaties, a large and liberal spirit of interpretation will reasonably correspond.

Oppenheim discusses the matter as follows:

> All treaties must be interpreted according to their reasonable in contradistinction to their literal sense. An excellent example illustrating this rule is the following, which is quoted by several writers:
>
> In the interest of Great Britain the Treaty of Peace of Utrecht of 1713 stipulated in its article 9 that the port and the fortification of Dunkirk should be destroyed and never be rebuilt. France complied with this stipulation, but at the same time began building an even larger port at Mardyck, a league off Dunkirk. Great Britain protested on the ground that France in so acting was violating the reasonable, although not the literal, sense of the Peace of Utrecht, and France recognized in the end this interpretation and discontinued the building of the new port. (Int. Law. Vol. I, Peace, p. 560.)

The courts of the United States have repeatedly announced that in interpreting treaties we do so broadly and liberally, rather than narrowly and technically, even where the provisions run against this Government.

Mr. Justice Field, in delivering the opinion of the Supreme Court of the United States in Geofroy *v.* Riggs (133 U. S., 258, 271), stated the principle in the following language:

> It is a general principle of construction with respect to treaties, that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial sense impressed upon them by a local law, unless such restricted sense is clearly intended.

Mr. Justice Brown, in delivering the opinion of the court in Tucker *v.* Alexandroff, commented upon the principle as follows:

> We think, then, that the rights of the parties must be determined by the treaty, but that this particular convention being operative upon both powers and intended for their mutual protection, should be interpreted in a spirit of *uberrima fides,* and in a manner to carry out its manifest purpose. (Taylor on International Law, sec. 383.) As treaties are solemn engagements entered into between independent nations for the common advancement of their interests and the interests of civilization, and as their main object is not only to avoid war and secure a lasting and perpetual peace, but to promote a friendly feeling between the people of the two countries, they should be interpreted in that broad and liberal spirit which is calculated to make for the existence of a perpetual amity, so far as it can be done without the sacrifice of individual rights or those principles of personal liberty which lie at the foundation of our jurisprudence. It is said by Chancellor Kent in his Commentaries (Vol. I, p. 174): "Treaties of every kind are to receive a fair and liberal interpretation according to the intention of the contracting parties, and are to be kept with the most scrupulous good faith. Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts." (183 U. S., p. 424, 437.)

The authorities above cited would seem sufficiently to establish the general principle set forth at the head of this discussion.

(2) *In determining the extent of a grant made by treaty, where the treaty admits of two constructions, one restrictive as to the rights that may be claimed under it, and the other liberal, the latter is to be preferred.*

The authorities on international law and the courts are quite as clear on this point as the other.

Vattel discusses it in the following language:

> *On every occasion when a person could and ought to have made known his intention, we assume for true against him what he has sufficiently declared.* This is an incontestable principle, applied to treaties; for, if they are not a vain play of words, the contracting parties ought to express themselves in them with truth, and according to their real intentions. If the intention which is sufficiently declared were not to be taken of course as the true intention of him who speaks and enters into engagements, it would be perfectly useless to form contracts or treaties. (Vattel, Book 2, chap. 17, sec. 266.)
>
> * * * *Whenever we meet with any obscurity in it, we are to consider what probably were the ideas of those who drew up the deed, and to interpret it accordingly.* This is the general rule for all interpretations. It particularly serves to ascertain the meaning of particular expressions whose signification is not sufficiently determinate. Pursuant to this rule we should take those expressions in their utmost latitude when it seems probable that the person speaking had in contemplation everything which, in that extensive sense, they are capable of designating; and on the other hand, we ought to restrict their meaning, if the author appears to have confined his idea to what they comprehend in their more limited signification. (Op. cit., sec. 270.)
>
> *All those things which, without proving too burthensome to any one in particular, are useful and salutary to human society, are to be ranked in the class of favourable things;* for a nation is already under a natural obligation with respect to things of this nature; so that if she has entered into any particular engagements of this kind, we run no risk in giving those engagements the most extensive meaning of which they are susceptible. Can we be afraid of violating the rules of equity by following the law of nature, and giving the utmost extent to obligations that tend to the common advantage of mankind? Besides, things which are useful to human society, are, from the very circumstance, conducive to the common advantage of the contracting parties, and are consequently favourable (see the preceding section). (Op. cit., sec. 302.)
>
> 1. *When the question relates to things favourable, we ought to give the terms the utmost latitude of which they are susceptible according to the common usage of the language;*

> *and if a term has more than one signification, the most extensive meaning is to be preferred: * * **
>
> 2. *In questions relating to favourable things, all terms of art are to be interpreted in the fullest latitude of which they are susceptible, not only in common usage, but also as technical terms, if the person speaking understands the art to which those terms belong, or conducts himself by the advice of men who understand that art.* (Op. cit., sec. 307.)

Phillimore in his work comments upon the general principle involved as follows:

> With respect to the mode of *interpretation* which has been designated as *extensive*, Vattel, agreeing with Grotius and Puffendorf, is of opinion that where the sufficient and only reasons of a provision is undisputed and certain, such provision may be extended to cases to which the *same* reason applies, although the provision be not comprised within the signification of the terms employed. This principle is sometimes called an adhering to the spirit rather than the letter. The Koran forbade wine to the Mahometans, and in so doing forbade all intoxicating liquors. It was a provision in a treaty that a certain city should not be enclosed within walls; at the time when the treaty was made, walls were the only species of fortifications in use; it would not be lawful to fortify that city by means of fosses and earthworks, because the spirit and intention of the treaty was to prevent the fortification of the town. Sempronius willed in his last testament that if the child of his then pregnant wife should die, Curius should be his heir. The testator died, but his wife proved not to be pregnant. Are the heirs under an intestacy, or Curius, to possess the property? The latter, for it is manifest that the intention of the testator was that Curius should stand next to the testator's own child. These are the illustrations employed by Vattel and his great predecessors in support of the position. One, it will be seen, borrowed from a *law*, one from a *convention*, one from a *unilateral act* or *testament*. Vattel, however, enforces with great earnestness the necessity of the utmost caution always attending the use of a mode of interpretation which is not authorized by the terms of the instrument. It may only be resorted to in cases where there is no dispute with respect to the true and only reason of the provision; and the cardinal rule, that the true sense of a promise is not only that which was in the mind of the promiser, but also that which has been sufficiently declared, and which both the contracting parties must have reasonably understood, is never to be departed from. On the one hand, therefore, the instrument is not to be construed agreeably to the reason which one of the parties possibly might have had in his mind. On the other hand, it certainly ought to be construed agreeably to the reason upon which the parties clearly did proceed.
>
> This rule of *extensive interpretation* excludes all the evasions and pretexts which have been resorted to for the purpose of evading stipulations. As a general maxim, it is true that good faith clings to the *spirit*, and fraud to the *letter* of the convention.
>
> When the Corinthians, being forbidden to *give* ships to the Athenians, *sold* them some, at a merely nominal price; when the Queen of Egypt refused to pay tribute to the Rhodians for Pharos, because, though as an island, it was, under the convention, liable to such tribute, while the demand was being made she had joined it to the continent by a mole; when these and similar frauds are attempted, the rule of *extensive interpretation* by which they are condemned, is the rule of acknowledged rights.
>
> There is another maxim of law relating to private contracts, which relates to the *extensive interpretation*, and the principle of which is applicable to international covenants. Pothier says that, "When the object of the agreement is universally to include everything of a given nature (*une universalité des choses*), the general description will comprise all particular articles, although they may not have been in the knowledge of the parties. For instance, an engagement which A. makes with B. to abandon his share in a succession for a certain sum. This agreement includes everything which makes part of the succession, whether known or not; the intention of A. and B. was to contract for the whole. Therefore, it is decided that A. can not object to the agreement, under pretense that a considerable property has been found to belong to the succession of which both parties had no knowledge." (Commentaries on International Law, 3d Ed., Vol. 2, pp. 111–113.)

Mr. Justice Swayne in delivering the opinion of the Supreme Court in Hauenstein *v.* Lynham (1879, 100 U. S., 483–487), said:

> Where a treaty admits of two constructions, one restrictive as to the rights that may be claimed under it, and the other liberal, the latter is to be preferred. (Shanks *v.* Dupont, 3 Pet., 242.) Such is the settled rule of this court.

In Jeffry [Geofroy] *v.* Riggs (1889, 133 U. S., 258, p. 271) Mr. Justice Field, speaking for the court, said:

> It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred. (Hauenstein *v.* Lynham, 100 U. S., 483–487.)

It is submitted that these authorities sufficiently established the principle quoted under 2 supra.

(3) *While no treaty can be taken to restrict, by implication, the exercise of rights of sovereignty or property or self-preservation, yet every right or obligation which is necessarily attendant upon something clearly ascertained to be agreed to in the treaty, including a right to whatever may be necessary to the*

enjoyment of the things granted by it. is understood to be tacitly given or imposed by the gift or imposition of that upon which it is attendant.

This is Hall's statement of the law governing interpretation of treaties in this respect. (International Law, 6th Ed., pp. 331-332.)

Other writers are equally clear in their statement of this principle. Grotius in his work on the rights of war and peace says:

> In things of a favourable nature, if the parties engaged are acquainted with the legal principles upon which they proceed, or rest upon the judgment of those who are so, the words used may be taken in their most extensive signification, including even terms of art and of law. (See Universal Classics, Edition of Grotius, p. 181.)

Again Grotius says:

> In speaking of motives and reasons, it is proper to observe that they sometimes comprehend things, considered not according to their actual existence, but according to their moral consequences; in which case it is by no means right to limit the words of a treaty to their literal meaning, but the utmost extent of interpretation is allowable, in order to maintain the spirit as well as the letter of such treaties. Thus, if it be stipulated that no troops or ships shall be brought to a certain place, or within a certain distance, the prohibition excludes all ships or troops from being brought thither, even under the fairest and most harmless pretenses. For the purport of the treaty is to guard not only against actual mischief, but even against remote danger. (Op. cit., p. 189.)

Vattel states the same principle in the following language:

> It is not to be presumed that sensible persons, in treating together, or transacting any other serious business, meant that the result of their proceedings should prove a mere nullity. *The interpretation*, therefore, *which would render a treaty null and inefficient, cannot be admitted.* We may consider this rule as a branch of the preceding; for it is a kind of absurdity to suppose that the very terms of a deed should reduce it to mean nothing. *It ought to be interpreted in such a manner as that it may have its effect, and not prove vain and nugatory;* and in this interpretation we proceed according to the mode pointed out in the foregoing section. In both cases, as in all interpretations, the question is, to give the words that sense which ought to be presumed most conformable to the intention of the parties speaking. If many different interpretations present themselves, by which we can conveniently avoid construing the deed into a nullity or an absurdity, we are to prefer that which appears the most agreeable to the intention of those who framed the deed; the particular circumstances of the case, aided by other rules of interpretation, will serve to point it out. (Vattel, Book 2, chap. 17, sec. 283.)

Again he says:

> *When the sufficient and only reason of a provision*, either in a law or a promise, *is perfectly certain, and well understood, we extend that provision to cases to which the same reason is applicable, although they be not comprised within the signification of the terms.* This is what is called *extensive interpretation.* (Op. cit., sec. 290.)

Taylor, in his work on International Law, states that:

> As the valid grant of a substantive right or the assumption of a substantive obligation is supposed to carry with it all the incidents necessary to the enjoyment of the one or the performance of the other, such incidents will be presumed to have followed tacitly whenever such substantive rights or obligation has been given or imposed by treaty. (Taylor, International Public Law, p. 397.)

Wilson and Tucker, in their little work on "International Law," assert that:

> That which is clearly granted by the treaty carries with it what is necessary for its realization (p. 216).

It is of interest, in this connection, that the Supreme Court of the United States has invoked the same principle in construing the Constitution under which this Government is organized, and have advanced in so doing arguments, contentions, and reasons which seem equally applicable to the interpretation of treaties.

In the great case of McCulloch *v.* Maryland, Mr. Chief Justice Marshall, delivering the opinion of the Court, said:

> * * * A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations found in the 9th section of the 1st article introduced? It is also in some degree warranted by their having omitted to use any restrictive terms which might prevent its receiving a fair and just interpretation. In considering this question, then, we must never forget that it is a *constitution* we are expounding.
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> Although, among the enumerated powers of government, we do not find the word "bank" or "incorporation," we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, are intrusted to its government. It can

never be pretended that these vast powers draw after them others of inferior importance, merely because they are inferior. Such an idea can never be advanced. But it may with great reason be contended that a government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depends, must also be intrusted with ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution. It can never be their interest, and cannot be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means. Throughout this vast republic, from the St. Croix to the Gulf of Mexico, from the Atlantic to the Pacific, revenue is to be collected and expended, armies are to be marched and supported. The exigencies of the nation may require that the treasure raised in the north should be transported to the south, that raised in the east conveyed to the west, or that this order should be reversed. Is that construction of the Constitution to be preferred which would render these operations difficult, hazardous, and expensive? Can we adopt that construction (unless the words imperiously require it) which would impute to the framers of that instrument, when granting these powers for the public good, the intention of impeding their exercise, by withholding a choice of means? If, indeed, such be the mandate of the Constitution, we have only to obey; but that instrument does not profess to enumerate the means by which the powers it confers may be executed; nor does it prohibit the creation of a corporation if the existence of such a being be essential to the beneficial exercise of those powers. It is, then, the subject of fair inquiry how far such means may be employed.

It is not denied that the powers given to the government imply the ordinary means of execution. That, for example, of raising revenue and applying it to national purposes is admitted to imply the power of conveying money from place to place as the exigencies of the nation may require, and of employing the usual means of conveyance.

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But the Constitution of the United States has not left the right of Congress to employ the necessary means for the execution of the powers conferred on the government to general reasoning. To its enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution, in the Government of the United States, or in any department thereof." The counsel for the State of Maryland have urged various arguments to prove that this clause, though in terms a grant of power, is not so in effect, but is really restrictive of the general right which might otherwise be implied, of selecting means for executing the enumerated powers.

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But the argument on which most reliance is placed is drawn from that peculiar language of this clause. Congress is not empowered by it to make all laws, which may have relation to the powers conferred on the Government, but such only as may be "*necessary and proper*" for carrying them into execution. The word "*necessary*" is considered as controlling the whole sentence, and as limiting the right to pass laws for the execution of the granted powers to such as are indispensable, and without which the power would be nugatory. That it excludes the choice of means, and leaves to Congress, in each case, that only which is most direct and simple.

Is it true that this is the sense in which the word "*necessary*" is always used? Does it always import an absolute physical necessity, so strong that one thing to which another may be termed necessary can not exist without that other? We think it does not. If reference be had to its use in the common affairs of the world or in approved authors, we find that it frequently imports no more than that one thing is convenient, or useful, or essential to another. To employ the means necessary to an end is generally understood as employing any means calculated to produce the end, and not as being confined to those single means without which the end would be entirely unattainable. Such is the character of human language that no word conveys to the mind, in all situations, one single definite idea; and nothing is more common than to use words in a figurative sense. Almost all compositions contain words which, taken in their rigorous sense, would convey a meaning different from that which is obviously intended. It is essential to just construction that many words which import something excessive should be understood in a more mitigated sense—in that sense which common usage justified. The word "*necessary*" is of this description. It has not a fixed character, peculiar to itself. It admits of all degrees of comparison, and is often connected with other words which increase or diminish the impression the mind received of the urgency it imports. A thing may be necessary, very necessary, absolutely or indispensably necessary. To no mind would the same idea be conveyed by these several phrases. The comment on the word is well illustrated by the passage cited at the bar, from the 10th section of the 1st article of the Constitution. It is, we think, impossible to compare the sentence which prohibits a State from laying "imposts, or duties on imports or exports, except what may be *absolutely* necessary for executing its inspection laws," with that which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of the general government, without feeling a conviction that the Convention understood itself to change materially the meaning of the word "*necessary*," by prefixing the word "*absolutely*." This word, then, like others, is used in various senses; and in its construction the subject, the context, the intention of the person using them, are all to be taken into view.

Let this be done in the case under consideration. The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, so far as human prudence could insure, their beneficial execution. This could not be done by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end. This provision is made in a Constitution intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers would have been to change entirely the character of the instrument and give it the properties of a legal code. It would have been an unwise attempt to provide by immutable rules for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur. To have declared that the best means shall not be used, but those alone without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason and to accommodate its legislation to circumstances.

If we apply this principle of construction to any of the powers of the government, we shall find it so pernicious in its operation that we shall be compelled to discard it. The powers vested in Congress may certainly be carried into execution without prescribing an oath of office. The power to exact this security for the faithful performance of duty is not given, nor is it indispensably necessary. The different departments may be established; taxes may be imposed and collected; armies and navies may be raised and maintained; and money may be borrowed, without requiring an oath of office. It might be argued, with as much plausibility as other incidental powers have been assailed, that the Convention was not unmindful of this subject. The oath which might be exacted—that of fidelity to the Constitution—is prescribed, and no other can be required. Yet he would be charged with insanity who should contend that the legislature might not superadd to the oath directed by the Constitution such other oath of office as its wisdom might suggest.

So with respect to the whole penal code of the United States: Whence arises the power to punish in cases not prescribed by the Constitution? All admit that the Government may, legitimately, punish any violation of its laws; and yet this is not among the enumerated powers of Congress. The right to enforce the observance of law, by punishing its infraction, might be denied with the more plausibility because it is expressly given in some cases. Congress is empowered "to provide for the punishment of counterfeiting the securities and current coin of the United States," and "to define and punish piracies and felonies committed on the high seas, and offences against the law of nations." The several powers of Congress may exist, in a very imperfect state to be sure, but they may exist and be carried into execution although no punishment should be inflicted in cases where the right to punish is not expressly given.

Take, for example, the power "to establish post offices and post roads." This power is executed by the single act of making the establishment. But, from this has been inferred the power and duty of carrying the mail along the post road, from one post office to another. And from this implied power has again been inferred the right to punish those who steal letters from the post office or rob the mail. It may be said with some plausibility that the right to carry the mail and to punish those who rob it is not indispensably necessary to the establishment of a post office and post road. This right is indeed essential to the beneficial exercise of the power, but not indispensably necessary to its existence. So of the punishment of the crimes of stealing or falsifying a record or process of a court of the United States, or of perjury in such court. To punish these offences is certainly conducive to the due administration of justice. But courts may exist and may decide the cause brought before them though such crimes escape punishment.

The baneful influence of this narrow construction on all the operations of the government, and the absolute impracticability of maintaining it, without rendering the government incompetent to its great objects, might be illustrated by numerous examples drawn from the Constitution and from our laws. The good sense of the public has pronounced, without hesitation, that the power of punishment appertains to sovereignty, and may be exercised whenever the sovereign has a right to act, as incidental to his constitutional powers. It is a means for carrying into execution all sovereign powers, and may be used although not indispensably necessary. It is a right incidental to the power, and conducive to its beneficial exercise.

If this limited construction of the word "*necessary*" must be abandoned in order to punish, whence is derived the rule which would reinstate it when the government would carry its powers into execution by means not vindictive in their nature? If the word "*necessary*" means "needful," "requisite," "essential," "conducive to," in order to let in the power of punishment for the infraction of law, why is it not equally comprehensive when required to authorize the use of means which facilitate the execution of the powers of government without the infliction of punishment?

In ascertaining the sense in which the word "*necessary*" is used in this clause of the Constitution we may derive some aid from that with which it is associated. Congress shall have power "to make all laws which shall be necessary and proper to carry into execution" the powers of the government. If the word "*neccessary*" was used in that strict and rigorous sense for which the counsel for the State of Maryland contend, it would be an extraordinary departure from the usual course of the human mind, as exhibited in composition, to add a word the only possible effect of which is to qualify that strict and rigorous meaning; to present to the mind the idea of some choice of means of legislation, not strained and compressed within the narrow limits for which gentlemen contend.

But the argument which most conclusively demonstrates the error of the construction contended for by the counsel for the State of Maryland, is founded on the intention of the Convention as manifested in the whole clause. To waste time and argument in proving that, without it, Congress might carry its powers into execution, would be not much less idle than to hold a lighted taper to the sun. As little can it be required to prove that in the absence of this clause, Congress would have some choice of means. That it might employ those which in its judgment would most advantageously effect the object to be accomplished. That any means adapted to the end, any means which tend directly to the execution of the constitutional powers of the government, were in themselves constitutional. This clause, as construed by the State of Maryland, would abridge and almost annihilate this useful and necessary right of the legislature to select its means. That this could not be intended is, we should think, had it not been already controverted, too apparent for controversy.

We think so for the following reasons: 1st. The clause is placed among the powers of Congress, not among the limitations on those powers. 2d. Its terms purport to enlarge, not to diminish, the powers vested in the government. It purports to be an additional power, not a restriction on those already granted. No reason has been or can be assigned for thus concealing an intention to narrow the discretion of the national legislature, under words which purport to enlarge it. The framers of the Constitution wished its adoption, and well knew that it would be endangered by its strength, not by its weakness. Had they been capable of using language which would convey to the eye one idea, and, after deep reflection, impress on the mind another, they would rather have disguised the grant of power than its limitation. If, then, their intention had been, by this clause, to restrain the free use of means which might otherwise have been implied, that intention would have been inserted in another place, and would have been expressed in terms resembling these: "In carrying into execution the foregoing powers, and all others," &c.,

> "no laws shall be passed but such as are necessary and proper." Had the intention been to make this clause restrictive, it would unquestionably have been so in form as well as in effect.
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> The result of the most careful and attentive consideration bestowed upon this clause is, that if it does not enlarge, it cannot be construed to restrain the powers of Congress, or to impair the right of the legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the government. If no other motive for its insertion can be suggested, a sufficient one is found in the desire to remove all doubts respecting the right to legislate on that vast mass of incidental powers which must be involved in the Constitution, if that instrument be not a splendid bauble.
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> We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the national legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional. (17 U. S., p. 315, 406.)

Fifty years later, Mr. Justice Strong of the same court, in delivering the opinion of the court in the Legal Tender Cases (79 U. S., pp. 457, 531), said:

> Nor can it be questioned that, when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the objects for which those powers were granted. This is a universal rule of construction applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered. And there are more urgent reasons for looking to the ultimate purpose in examining the powers conferred by a constitution than there are in construing a statute, a will, or a contract. We do not expect to find in a constitution minute details. It is necessarily brief and comprehensive. It prescribes outlines, leaving the filling up to be deduced from the outlines. In Martin *v.* Hunter, it was said, "The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution." And with singular clearness was it said by Chief Justice Marshall, in McCulloch *v.* The State of Maryland, "A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which it may be carried into execution, would partake of the prolixity of a political code, and would scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves." If these are correct principles, if they are proper views of the manner in which the Constitution is to be understood, the powers conferred upon Congress must be regarded as related to each other, and all means for a common end. Each is but part of a system, a constituent of one whole. No single power is the ultimate end for which the Constitution was adopted. It may, in a very proper sense, be treated as a means for the accomplishment of a subordinate object, but that object is itself a means designed for an ulterior purpose. Thus the power to levy and collect taxes, to coin money and regulate its value, to raise and support armies, or to provide for and maintain a navy, are instruments for the paramount object, which was to establish a government, sovereign within its sphere, with capability of self-preservation, thereby forming a union more perfect than that which existed under the old Confederacy.
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> The same may be asserted also of all the nonenumerated powers included in the authority expressly given "to make all laws which shall be necessary and proper for carrying into excution the specified powers vested in Congress, and all other powers vested by the Constitution in the government of the United States, or in any department or officer thereof." It is impossible to know what those nonenumerated powers are, and what is their nature and extent, without considering the purposes they were intended to subserve. Those purposes, it must be noted, reach beyond the mere execution of all powers definitely intrusted to Congress and mentioned in detail. They embrace the execution of all other powers vested by the Constitution in the government of the United States, or in any department or officer thereof. It certainly was intended to confer upon the government the power of self-preservation. Said Chief Justice Marshall, in Cohens *v.* The Bank of Virginia, "America has chosen to be, in many respects and to many purposes, a nation, and for all these purposes her government is complete; for all these objects it is supreme. It can, then, in effecting these objects legitimately control all individuals or governments within the American territory." He added, in the same case: "A constitution is framed for ages to come, and is designed to approach immortality as near as mortality can approach it. Its course cannot always be tranquil. It is exposed to storms and tempests, and its framers must be unwise statesmen, indeed, if they have not provided it, as far as its nature will permit, with the means of self-preservation from the perils it is sure to encounter." That would appear, then, to be a most unreasonable construction of the Constitution which denies to the government created by it, the right to employ freely every means, not prohibited, necessary for its preservation, and for the fulfillment of its acknowledged duties. Such a right, we hold, was given by the last clause of the eighth section of its first article. The means or instrumentalities referred to in that clause, and authorized, are not enumerated or defined. In the nature of things enumeration and specification were impossible. But they were left to the discretion of Congress, subject only to the restrictions that they be not prohibited, and be necessary and proper for carrying into execution the enumerated powers given to Congress, and all other powers vested in the government of the United States, or in any department or officer thereof.
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> And here, it is to be observed, it is not indispensable to the existence of any power claimed for the Federal government that it can be found specified in the words of the Constitution, or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly

defined, or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. Such a treatment of the Constitution is recognized by its own provisions. This is well illustrated in its language respecting the writ of habeas corpus The power to suspend the privilege of that writ is not expressly given, nor can it be deduced from any one of the particularized grants of power. Yet it is provided that the privileges of the writ shall not be suspended except in certain defined contingencies. This is no express grant of power. It is a restriction. But it shows irresistibly that somewhere in the Constitution power to suspend the privilege of the writ was granted, either by some one or more of the specifications of power, or by them all combined. And, that important powers were understood by the people who adopted the Constitution to have been created by it, powers not enumerated, and not included incidentally in any one of those enumerated, is shown by the amendments. The first ten of these were suggested in the conventions of the States and proposed at the first session of the first Congress before any complaint was made of a disposition to assume doubtful powers. The preamble to the resolution submitting them for adoption recited that the "conventions of a number of the States had, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and *restrictive* clauses should be added." This was the origin of the amendments, and they are significant. They tend plainly to show that, in the judgment of those who adopted the Constitution, there were powers created by it, neither expressly specified nor deducible from any one specified power, or ancillary to it alone, but which grew out of the aggregate of powers conferred upon the government, or out of the sovereignty instituted. Most of these amendments are denials of power which had not been expressly granted, and which can not be said to have been necessary and proper for carrying into execution any other powers. Such, for example, is the prohibition of any laws respecting the establishment of religion, prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

And it is of importance to observe that Congress has often exercised, without question, powers that are not expressly given nor ancillary to any single enumerated power. Powers thus exercised are what are called by Judge Story in his Commentaries on the Constitution, resulting powers, arising from the aggregate powers of the government. He instances the right to sue and make contracts. Many others might be given. The oath required by law from officers of the government is one. So is building a capitol or a presidential mansion, and so also is the penal code. This last is worthy of brief notice. Congress is expressly authorized "to provide for the punishment of counterfeiting the securities and current coin of the United States, and to define and punish piracies and felonies committed on the high seas and offences against the law of nations." It is also empowered to declare the punishment of treason, and provision is made for impeachments. This is the extent of power to punish crime expressly conferred. It might be argued that the expression of these limited powers implies an exclusion of all other subjects of criminal legislation. Such is the argument in the present cases. It is said because Congress is authorized to coin money and regulate its value it cannot declare anything other than gold and silver to be money or make it a legal tender. Yet Congress, by the act of April 30, 1790, entitled "An act more effectually to provide for the punishment of certain crimes against the United States," and the supplementary act of March 3d, 1825, defined and provided for the punishment of a large class of crimes other than those mentioned in the Constitution, and some of the punishments prescribed are manifestly not in aid of any single substantive power. No one doubts that this was rightfully done, and the power thus exercised has been affirmed by this court in United States *v.* Marigold. This case shows that a power may exist as an aid to the execution of an express power, or an aggregate of such powers, though there is another express power given relating in part to the same subject but less extensive. Another illustration of this may be found in connection with the provisions respecting a census. The Constitution orders an enumeration of free persons in the different States every ten years. The direction extends no further. Yet Congress has repeatedly directed an enumeration not only of free persons in the States but of free persons in the Territories, and not only an enumeration of persons but the collection of statistics respecting age, sex, and production. Who questions the power to do this?

Indeed the whole history of the government and of congressional legislation has exhibited the use of a very wide discretion, even in times of peace and in the absence of any trying emergency, in the selection of the necessary and proper means to carry into effect the great objects for which the government was framed, and this discretion has generally been unquestioned, or, if questioned, sanctioned by this court. This is true not only when an attempt has been made to execute a single power specifically given, but equally true when the means adopted have been appropriate to the execution, not of a single authority, but of all the powers created by the Constitution. Under the power to establish post offices and post roads Congress has provided for carrying the mails, punishing theft of letters and mail robberies, and even for transporting the mails to foreign countries. Under the power to regulate commerce, provision has been made by law for the improvement of harbors, the establishment of observatories, the erection of lighthouses, breakwaters, and buoys, the registry, enrollment, and construction of ships, and a code has been enacted for the government of seamen. Under the same power and other powers over the revenue and the currency of the country, for the convenience of the Treasury and internal commerce, a corporation known as the United States Bank was early created. To its capital the Government subscribed one-fifth of its stock. But the corporation was a private one, doing business for its own profit. Its incorporation was a constitutional exercise of congressional power for no other reason than that it was deemed to be a convenient instrument or means for accomplishing one or more of the ends for which the Government was established, or, in the language of the first article, already quoted, "necessary and proper" for carrying into execution some or all the powers vested in the Government. Clearly this necessity, if any existed, was not a direct and obvious one. Yet this court, in McCulloch *v.* Maryland, unanimously ruled that in authorizing the bank Congress had not transcended its powers. So debts due to the United States have been declared by acts of Congress entitled to priority of payment over debts due to other creditors, and this Court has held such acts warranted by the Constitution.

This is enough to show how, from the earliest period of our existence as a nation, the powers conferred by the Constitution have been construed by Congress and by this Court whenever such action by Congress has been called in question. Happily the true meaning of the clause authorizing the enactment of all laws necessary and proper for carrying into execution the express powers conferred upon Congress, and all other powers vested in the Government of the United States, or in any of its departments or officers, has long since been settled. In Fisher *v.* Blight, this Court, speaking by Chief Justice Marshall, said that in construing it "it would be incorrect and would produce endless difficulties if the opinion should be maintained that no law was authorized which was not indispensably necessary to give effect to a specified power. Where various systems might be adopted for that purpose it might be said with respect to each that it was not necessary because the end might be obtained by other means." "Congress," said this Court, "must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. The Government is to pay the debt of the Union and must be authorized to use the means which appear to itself most eligible to effect that object. It has, consequently, a right to make remittances by bills or otherwise, and to take those precautions which will render the transaction safe." It was in this case, as we have already remarked, that a law giving priority to debts due to the United States was ruled to be constitutional for the reason that it appeared to Congress to be an eligible means to enable the Government to pay the debts of the Union.

It was, however, in McCulloch *v.* Maryland that the fullest consideration was given to this clause of the Constitution granting auxiliary powers, and a construction adopted that has ever since been accepted as determining its true meaning. We shall not now go over the ground there trodden. It is familiar to the legal profession, and, indeed, to the whole country. Suffice it to say, in that case it was finally settled that in the gift by the Constitution to Congress of authority to enact laws "necessary and proper" for the execution of all the powers created by it, the necessity spoken of is not to be understood as an absolute one. On the contrary, this Court then held that the sound construction of the Constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Said Chief Justice Marshall, in delivering the opinion of the Court: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." The case also marks out with admirable precision the province of this Court. It declares that "when the law (enacted by Congress) is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground. This Court (it was said) disclaims all pretensions to such a power." It is hardly necessary to say that these principles are received with universal assent. Even in Hepburn *v.* Griswold, both the majority and minority of the Court concurred in accepting the doctrines of McCulloch *v.* Maryland as sound expositions of the Constitution, though disagreeing in their application.

Applying these principles to the case in hand:

In its preamble the treaty asserts that it is made because the two governments concerned are "desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans."

The provisions of the treaty are more specific.

In Article 2, "*the Republic of Panama grants* to the United States in perpetuity the use, occupation, and control of a *zone of land and land under water for the construction, maintenance, operation, sanitation, and protection* of said canal * * *."

Further on in the same article it is stipulated that "the Republic of Panama *further grants* to the United States in perpetuity the *use, occupation, and control* of *any other lands and waters outside of the zone above described* which may be *necessary and convenient* for the *construction, maintenance, operation, sanitation, and protection* of the said canal, or of any auxiliary canals or *other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.*"

In Article 4 Panama granted to the United States certain "subsidiary rights" for the "*construction, maintenance, operation, sanitation, and protection of the said canal.*"

Article 6 provides for payment of damages "caused to the owners of private lands or private property of any kind * * * by reason of the *construction, maintenance, operation, sanitation, and protection* of the said canal."

The same expression, "*construction, maintenance, operation, sanitation, and protection,*" occurs also in Article 7 of the treaty giving the rights with reference to sanitation, and see for other uses of the same phrase Articles 5, 9, and 13.

In other words the entire treaty gives abundant and incontrovertible evidence that the purpose for which it was concluded was the "*construction, maintenance, operation, sanitation, and protection*" of the projected canal.

It is also perfectly evident from the language of the treaty that its framers made no pretense of specifying all of the things which the Government of the United States might do, nor all of the works which it might find necessary to undertake (and this latter is for the present purposes the more important), in order to accomplish the "*construction, maintenance, operation, sanitation, and protection* of the said canal."

For example, in Article 2 the Republic granted to the United States, in addition to the zone of land for the purpose named, the perpetual "use, occupation, and control of any *other lands and waters* outside of the zone above described which may be *necessary and convenient* for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or *other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.*"

In Article 4, the Republic of Panama granted "*rights subsidiary to the above grants*" in the use of the rivers, streams, lakes, and other bodies of water within its limits as might be "*necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.*"

Article 6 speaks not only of the work on said canal or on the Panama Railroad, but also of "*any auxiliary works relating thereto.*"

In Article 13, containing the stipulations for freedom from customs duties, imposts, taxes, or other charges, the provisions are made to apply to materials "convenient in the construction, maintenance, operation, sanitation, and protection of the canal and *auxiliary works.*"

It is thus quite clear that the negotiators of the treaty were fully aware that other works than those specified in the convention might be necessary in the "construction, maintenance, operation, sanitation, and protection of the canal," and that not desiring to restrict the scope of the treaty they merely provided generally for such "other works" or "auxiliary works" as the exigencies of the undertaking, when fully developed, would demand.

A few words may be added regarding the nature and extent of the grant actually made. By Article 2 the grant is[1] of the zone of land as well as of the "use, occupation, and control of any other lands and waters outside of the zone" which might be necessary and convenient for "the construction, maintenance, operation, sanitation, and protection" are [sic] made in perpetuity. Likewise a grant in perpetuity was made, as "rights subsidiary" to the first-named grants, of the right to use the rivers, streams, lakes, and other bodies of water for the purposes named. In Article 3 there was granted within the zone mentioned and described in Article 2, "all the rights, power, and authority * * * which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, and authority."

In addition to these, the treaty specifically grants to the United States for use outside the zone certain rights usually classed as sovereign and also the power to exercise certain other rights regarded as incident to sovereignty. For example, Article 6 gives to the United States the right of expropriation. Article 7 specifically grants to the United States "within the limits of the cities of Panama and Colon and other adjacent harbors and within the territory adjacent thereto * * * the *right of eminent domain.*" This article also grants to the United States the right to impose sanitary regulations, etc., in connection with the sanitation of Panama and Colon; and finally, the United States is given right and authority "for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order."

Again, by Article 6 it is stipulated that "the rights of the United States shall be superior" to the rights of private land holders or owners of private property in the said zone, or of any private rights in or to any of the lands or waters "granted to the United States by the provisions of any article of this treaty," subject only to the condition that the United States should make compensation therefor "to the owners of private lands or private property of any kind."

Finally Article 5 provides that "the Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of a canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean."

To recapitulate: It will be observed that the treaty therefore provides first for the *construction* of the canal and gives to the United States Government full and complete powers in order to accomplish that purpose. In the next place the *construction* having been accomplished, like full and complete powers are given to the United States for the *maintenance* of the canal. Moreover, not only are such powers given in order that the canal may be constructed and maintained, but also in order to permit the *operation* of the canal. Again perceiving, as the framers of the treaty did, that the successful construction, maintenance, and operation of the canal would in a large measure (as the failure of the French companies had indicated) depend upon the *sanitation* of the region, powers were given not only to sanitate the zone but also the terminal cities, Colon and Panama. Finally, it being wholly and entirely obvious that the immense expenditure of money and labor in the construction, maintenance, operation, and sanitation of the canal would be wholly wasted and lost unless there was a proper *protection* of it, full powers were given to the United States to insure this also.

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[1] The word "is" has been interpolated, with a pen, in the typewritten text.

It will, morever, be observed that Article 2 may be divided roughly into two parts: First, the grant of the zone itself, and secondly, the grant in perpetuity of the "use, occupation, and control" of any other lands and waters outside the zone "*necessary and convenient*," in the first place, for the "maintenance, operation, sanitation, and protection of the said canal," and in the second place, for any auxiliary canals or "*other works* necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise." That is to say, grants are made not only of what is necessary and convenient for the construction and the maintenance of the canal itself, but also of what may be "necessary and convenient" for "other works" in themselves "necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said canal."

Moreover, as has been pointed out above, not only does Article 2 thus indicate that the framers clearly understood there was necessity for auxiliary or subsidiary works, but the same idea occurs in Article 4, Article 6, and Article 13.

Therefore, it must be held that this treaty gives authority to the United States to do whatever the United States may consider is necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the canal, subject to no curtailment whatsoever except only such as may be imposed in the treaty itself; and for the purposes of the point under consideration there are but two pertinent limitations, the one contained in Article 6, which provides that where the United States takes "private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for," it must make compensation therefor to the parties interested; and the further limitation contained in Article 11, which provides that "the United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph or telephone lines established for canal purposes and used for public or private business at rates not higher than those required from officials in the service of the United States."

In view of these facts and circumstances, it is submitted that if this Government is prepared to say, as it is understood it is, that the erection of wireless telegraph stations on the zone or anywhere within the territory of Panama is necessary either for the maintenance, the operation, or the protection of the canal, or if it is prepared to say that such wireless stations are necessary for the successful operation of other works, which works in themselves are necessary or convenient for the maintenance, operation, or protection of the canal, that then the Government of the United States has a complete and indefeasible right to erect such stations.

It would, moreover, seem to be perfectly clear that the "auxiliary works" or "other works" contemplated by this treaty as proper for the maintenance, operation, or protection of the canal must, in order to fulfil their purpose, be effective. In other words, the right to erect an *auxiliary work* or other work necessary or convenient for the maintenance, operation, or protection of the canal must carry with it the right absolute and complete of operating that other auxiliary or other work in such way as to make it effective for the maintenance, operation, or protection of the canal. Or, applying the principles to this case, it must be that if, as it is herein contended, the treaty gives to the United States the right to erect wireless stations for the purpose of maintaining, operating, or protecting the canal, it must also give the right, without which the first would be a barren grant, to operate such wireless stations effectively. Moreover, this view seems to have absolute confirmation in the provisions of Article 6 which seem clearly to give to the United States the right to condemn any other stations in the hands of private parties which might interfere with the operation of the stations established by this Government, subject only to the provision that for the property thus taken the United States should make reasonable compensation.

It is, therefore, submitted in conclusion, that it would not seem necessary as a matter of law to enter into any formal negotiations at all for the acquisition of any right or permission to erect and operate wireless stations under the condition indicated in the Navy Department's report on wireless telegraph stations, either in the Canal Zone or the territory of Panama proper; and further that any interfering wireless stations owned by private parties may be treated and disposed of under the provisions of Article 6 of the treaty.

J. R. C. [CLARK.]

File No. 819.74/13.

The Acting Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, April 15, 1912.

SIR: Referring to previous correspondence, I have the honor to enclose herewith, for your information, a copy of a memorandum by the Solicitor of this Department, dated April 4, 1912, dealing with the subject of our treaty right to establish wireless telegraph stations not only in the Canal Zone but on the Isthmus of Panama itself, and to inquire whether it is your desire that this Department now proceed to notify the Panaman Government of the purpose of the Government of the United States, in accordance with the rights granted by treaty, to acquire sites for wireless stations at the points indicated in your communication of January 23, 1912, and to take steps to obtain the necessary control of these sites.

I have [etc.]

HUNTINGTON WILSON.

File No. 819.74/14.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, April 19, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of April 15, 1912, enclosing copy of a memorandum by the Solicitor of your Department dated April 4, 1912, relative to our treaty right to establish radio stations on the Isthmus of Panama.

The Department notes the Solicitor's opinion that this Government enjoys the right and authority to erect and operate radio stations on the Isthmus of Panama, pursuant to the Treaty of 1903, and that it is therefore unnecessary to enter into negotiations for the acquirement of this authority. This Department, in asking that negotiations be inaugurated towards the acquisition of suitable locations for low-power stations on the Isthmus of Panama, had in view a possible extensive series of negotiations; it was also desired to forestall any attempts on the part of private corporations to secure concessions in the Republic of Panama for the operation of radio stations. The Solicitor's opinion that interfering stations owned by private parties may be disposed of under the provisions of the Canal Treaty of 1903, appears to cover the latter contingency in a most satisfactory manner.

In order to make selections of the exact localities for low-power radio stations on the Isthmus of Panama, tests must be made of the electrical conditions in the vicinity of the places mentioned in my letter of January 23, 1912. It is proposed to undertake these tests as soon as the services of our radio expert can be spared to make them. When these tests shall have been completed and the appropriations for the erection of these stations secured, the Department will furnish the Department of State with a list of the sites desired and a statement of the arrangements necessary for the erection, equipment, and operation of these stations.

Respectfully yours,

George von L. Meyer.

File No. 819.74/15.

The Secretary of the Navy to the Secretary of State.

Department of the Navy,
Washington, April 22, 1912.

Sir: I have the honor to acknowledge receipt of your letter[1] of April 17, 1912, enclosing copy of a despatch from our Minister at Panama City relative to the erection of radio stations in Panama.

Referring to the statement that a 5-kilowatt telefunken set has been ordered by the Panaman Government for installation on top of the National Theater in Panama City, this Department can only reiterate the opinion expressed by Mr. Clark, its radio expert on the Isthmus of Panama, that this apparatus would positively interfere with the Naval radio station at Balboa; and in view of the opinion of the Solicitor for the State Department that "it is my judgment that, as against the Government of Panama, this Government already enjoys, under the Canal Treaty of 1903, full right and authority to carry out the plans desired by the Navy Department in the erection and maintenance, *as a monopoly*, of wireless telegraph stations not only in the zone but on the Isthmus itself," I have the honor to request that our Minister be instructed to use his influence against the erection of any radio stations in Panama except those of this Department.

Respectfully yours,

Geo. von L. Meyer.

File No. 819.74/14.

The Secretary of State to the American Minister.

Department of State,
Washington, April 25, 1912.

Sir: Referring to instruction No. 43, of the 15th instant, relative to the establishment of wireless telegraph stations in Panama, I enclose herewith for your information, a copy of a letter[2] from the Secretary of the Navy in which, in reply to the Department's letter to him of the 15th instant, he says that in order to make selections of the exact localities for low-power radio stations on the Isthmus of

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[1] Not printed. The inclosed dispatch referred to is No. 71, of February 14; see ante.
[2] See ante, letter of April 19.

Panama, tests must be made of the electrical conditions in the vicinity of the places mentioned in his letter of January 23, 1912; that it is proposed to undertake these tests as soon as the services of the Navy Department's radio expert can be spared to make them; and that when these tests shall have been completed and the appropriations for the erection of these stations secured, the Navy Department will furnish this Department with a list of the sites desired and a statement of the arrangements necessary for the erection, equipment, and operation of these stations.

I am [etc.]

P. C. KNOX.

File No. 819.74/15.

The Acting Secretary of State to the Secretary of the Navy.

[Extract.]

DEPARTMENT OF STATE,
Washington, May 11, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo regarding the construction of wireless telegraph stations in Panama and to transmit herewith for your information copy of an instruction[1] to the American Minister at Panama.

I have [etc.]

HUNTINGTON WILSON.

File No. 819.74/15.

The Acting Secretary of State to the American Minister.

No. 51.]

DEPARTMENT OF STATE,
Washington, May 13, 1912.

SIR: With reference to the Department's instruction of April 25, 1912, regarding wireless stations in Panama, a copy of a letter dated April 22 from the Secretary of the Navy is enclosed for your information.

You are instructed to use your influence against the erection of any radio stations in Panama except those of the Navy Department of the United States, and you will be guided by the Solicitor's memorandum enclosed with the Department's instruction No. 43, of April 15, 1912.

I am [etc.]

HUNTINGTON WILSON.

File No. 819.74/17.

The American Minister to the Secretary of State.

No. 148.]

AMERICAN LEGATION,
Panama, June 12, 1912.

SIR: I have the honor to acknowledge the receipt of your instruction No. 51, of the 13th ultimo, enclosing for my information a copy of a letter, dated April 22nd last, from the Secretary of the Navy, regarding wireless stations in Panama and directing me to use my influence against the erection of any radio stations in Panama except those of the Navy Department of the United States. In reply I beg to state that I shall not fail to use my influence as directed.

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[1] This is the instruction of May 13 (see infra).

In this connection I desire to state that in a recent conversation upon this subject with Señor Chiari, Minister for Foreign Affairs, he requested me to inquire of the Department whether some arrangement could not be made as to the disposition of the wireless apparatus purchased by the Panaman Government for erection on the National Theatre in Panama City (despatch No. 71, of February 14th, 1912), all the parts of which had now been delivered here and which had cost the Panaman Government altogether about $6,000. As he understood that the Government of the United States desired to erect and maintain as a monopoly all wireless stations in the Republic, he suggested that it would only be fair that the Government of the United States should reimburse the Panaman Government for its outlay in this apparatus by purchasing it for use in its contemplated system.

It should be noted that Mr. Reynolds Hitt, in his despatch No. 21, of June 30, 1910, reports that he had mentioned to the Minister for Foreign Affairs that his predecessors, Señor Arias and Señor Arango, had informed Mr. Squiers that the Panaman Government would not enter into negotiations "for the establishment of a system of wireless telegraphy between Colon and the coast of Colombia and of a wireless station in the city of Panama," "without first consulting the United States and securing its assent," and that in reply the Minister had "stated that he understood that to be the present attitude of the Panaman Government." Unless this assurance should be understood as referring only to the granting of concessions to third parties for establishing wireless stations, and, consequently, as not affecting wireless stations to be established by the Panaman Government itself, the recent purchase of this apparatus for Panama City, as to which the Government of the United States was not consulted, must, of course, be considered as a breach of this assurance. I nevertheless believe that if any breach was committed by the Panaman Government it was not intentional, but was the result of the unsystematic conduct of the Panaman Foreign Office and of the frequent changes of Foreign Ministers and personnel, which make the permanence of such understanding here extremely precarious. In view of all the circumstances I consider that it would be advisable to make use of this apparatus, if suitable, reimbursing to the Panaman Government such a sum as may fairly represent its value.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.74/17.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, June 29, 1912.

SIR: Referring to your letter of April 22nd last, I have the honor to enclose for your information a copy of a despatch[1] from the

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[1] This refers to the Minister's despatch No. 148, of June 12.

American Minister at Panama stating that he will use his influence against the erection of any radio stations in Panama except those under the jurisdiction of the Navy Department.

The Department will be glad to receive such comments as you may desire to make.

I have [etc.]

P. C. KNOX.

File No. 819.74/18.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, July 2, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of June 29, 1912, enclosing a copy of a despatch from the American Minister at Panama stating that he will use his influence against the erection of radio stations in Panama, and citing an inquiry from the Panaman Minister for Foreign Affairs as to whether some arrangement could not be made relative to the disposition of the radio apparatus purchased by the Panama Government for erection on the National Theatre in Panama City.

In reply I have the honor to reiterate the opinion of this Department that it would be prejudicial to the military and naval interests of our Government to have radio stations erected and operated by private individuals or by the Panaman Government. Pursuant to a decision of your Department that it would not be necessary to secure permission from the Government of Panama to erect coastal radio stations in Panama as one of the means of preserving the integrity of the Republic, this Department will undertake to ascertain the electrical conditions in certain localities along the coast of Panama, and when appropriation is available, will erect the above-mentioned coastal stations.

Referring to the inquiry of the Panaman Minister for Foreign Affairs, I have the honor to request that you convey to his Government the information that this Department is ready to take over the radio apparatus purchased for use on the National Theatre in Panama City at the price named if, upon inspection, the apparatus is found to be as represented and in good condition.

Respectfully yours,

BEEKMAN WINTHROP.

File No. 819.74/18.

The Secretary of State to the American Minister.

DEPARTMENT OF STATE,
No. 61.] *Washington, July 10, 1912.*

SIR: Referring to your No. 148 of the 12th ultimo, I enclose a copy of a letter[1] from the Acting Secretary of the Navy stating that that Department is ready to take over the radio apparatus, purchased for use on the National Theatre in Panama City at the price named if, upon inspection, the apparatus is found to be as represented and in good condition.

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[1] The letter of July 2.

You will convey to the Foreign Office the substance of the letter of the Acting Secretary of the Navy.

I am [etc.]

P. C. KNOX.

File No. 819.74/19.

The American Minister to the Secretary of State.

[Extract.]

No. 179.]

AMERICAN LEGATION,
Panama, August 7, 1912.

SIR: I have the honor to acknowledge the receipt of your instruction No. 61, dated the 10th ultimo, enclosing a copy of a letter from the Acting Secretary of the Navy stating that that Department is ready to take over the radio apparatus purchased for use on the National Theatre in Panama City at the price named if, upon inspection, the apparatus is found to be as represented and in good condition, and to inform you that according to the directions therein, I immediately addressed a note to Señor Chiari, Minister for Foreign Affairs, conveying to him the substance of the letter of the Acting Secretary of the Navy.

On the following day Major Butler, U. S. M. C., commanding the Marine battalion at Bas Obispo, Canal Zone, informed me that he had received instructions, also from the Navy Department, to inspect the apparatus in question and to report as to the possibility of erecting it temporarily on the National Theatre or elsewhere near by. * * *

He informed me that he will report adversely to erecting the apparatus even temporarily in Panaman territory, as its proper installation, protection, etc., would in that case probably cause continual difficulties, and recommend that it should be erected temporarily somewhere near Balboa, where the Isthmian Canal Commission have offered a site. I entirely agree with Major Butler's opinion as to the inadvisability of erecting this apparatus in Panaman territory.

I have [etc.]

F. PERCIVAL DODGE.

File No. 819.74/19.

The Acting Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, August 22, 1912.

SIR: Referring to previous correspondence, I have the honor to enclose a copy of a despatch[1] from the American Minister at Panama regarding the proposed purchase from Panama of the radio apparatus, the property of the Panaman Government in Panama.

I have [etc.]

ALVEY A. ADEE.

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[1] That of August 7.

File No. 819.74/19.

The Acting Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Washington, August 22, 1912.

SIR: The Department has received your No. 179, of the 7th instant, regarding the question of the proposed purchase by the United States of the radio apparatus now the property of the Panaman Government.

A copy of your despatch has been forwarded to the Secretary of the Navy.

I am [etc.]

ALVEY A. ADEE.

File No. 819.74/20.

The Acting Secretary of the Navy to the Secretary of State.

[Extract.]

DEPARTMENT OF THE NAVY,
Washington, August 29, 1912.

SIR: I have the honor to acknowledge receipt of your letter[1] of August 22, 1912, with enclosure of despatch No. 179 from the American Minister at Panama, in reference to the purchase by this Department of the radio set at Panama, now owned by the Panaman Government.

I agree with the Minister's recommendation that this set should not be operated upon Panaman territory.

Very respectfully,

W. C. TWINING.

File No. 819.74/23.

The Acting Secretary of State to the Chargé d'Affaires of Panama.

No. 16.] DEPARTMENT OF STATE,
Washington, October 12, 1912.

SIR: The Department has received a letter[1] from the Acting Secretary of the Navy in which he asks it to ascertain from you whether it would be agreeable to your Government for the Navy Department to pay for the radio receiving set, forming part of the radio set purchased from your Government by that Department, in the same manner as the previous payment was made, namely to the Consul General of Panama at New York.

The Department will be gratified to receive your reply after you have heard from your Government.

Accept [etc.]

HUNTINGTON WILSON.

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[1] Not printed.

File No. 819.74/24.

The Minister of Panama to the Secretary of State.

[Translation.]

LEGATION OF PANAMA,
No. 42.] *Washington, November 26, 1912.*

EXCELLENCY: I have the honor to acknowledge receipt of your excellency's communication No. 16 of October 12 last, in which this Legation is informed that the Department of State has received a note from the Navy Department inquiring whether it would be agreeable to my Government to deposit at the Consulate General of Panama at New York the sum due my Government for the wireless telegraphy receiving apparatus bought from it by the Navy Department.

In reply I have the honor to say that in Note No. S181 of November 8 the Foreign Office of my country transmits to me a note from the Treasury Department dated November 6 stating that the Government of Panama has not the least objection to the payment being made as above mentioned, which has been the custom on previous occasions.

I have [etc.]

RAMÓN M. VALDÉS.

VISIT OF THE SECRETARY OF STATE TO THE REPUBLICS OF CENTRAL AMERICA AND THE CARIBBEAN SEA.

File No. 033.1100 K77.

The Acting Secretary of State to the Ministers of Costa Rica, Cuba, the Dominican Republic, Guatemala, Haiti, Honduras, Nicaragua, and Panama; the Minister of Costa Rica in charge of the Legation of Salvador; and the Minister of Venezuela.

DEPARTMENT OF STATE,
Washington, February 13, 1912.

MY DEAR MR. MINISTER: Impressed with the importance of the relations between the United States and the Republics of Central America and the Caribbean Sea, happily so friendly and grown closer and more intimate with the approach of the opening of the Panama Canal, from which are hoped so many mutual benefits to our countries, the President has directed the Secretary of State to visit the capitals of the Republics referred to, stopping also at the capitals of Venezuela and Panama, and probably visiting Mexico and Colombia as well.

The final decision of the President was made so shortly before the departure of Mr. Knox for Florida that it was not possible to give you early private information of this plan, and even now I must reserve for a later communication the pleasure of informing you of the precise date of the visit of the Secretary of State to [name of country].

Before his departure Mr. Knox asked me to assure you of the great pleasure with which he looks forward to visiting your country[1] and personally knowing those at the head of its Government, and to signalizing in that way the particular importance attached by the President to those relations of the most cordial amity which it is the aim of the United States to cultivate with [name of country].

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[1] To the representative of Salvador: "Salvador" in place of "your country."

I am [etc.]

HUNTINGTON WILSON.

File No. 033.1100 K77/224.

The Minister of Panama to the Assistant Secretary of State.

[Translation.]

LEGATION OF PANAMA,
Washington, February 15, 1912.

MY DEAR MR. SECRETARY: I have had the pleasure of receiving your very courteous communication of the 13th instant by which you are pleased to inform me that [etc.]

No sooner had your very kind letter reached my hands than I communicated by cable with my Government announcing to it the intended visit of Secretary Knox to our capital, which intelligence, I am sure, has been received by my Government and the people of Panama with positive satisfaction; and I am anxiously looking forward to notice of the precise date on which the visit will be made so as to report it to my Government and enable it to make preparations for the reception due to so distinguished a guest.

I sincerely appreciate the flattering assurance you are pleased to communicate to me in behalf of Mr. Knox regarding his impressions upon his visit to Panama, and I am glad to assure you for my part that my country will feel highly honored at having, although for a short time unfortunately, the Secretary of State of this great nation with us.

I avail [etc.]

RICARDO ARIAS.

File No. 033.1100 K77/52d.

The Acting Secretary of State to the American Minister.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, February 24, 1912.

You may inform the Government of Panama that the Secretary will arrive at Colon on the morning of February 27, and will proceed to Panama the same day. He will leave Panama on the morning of the 29th, recross the Isthmus, and proceed to Costa Rica.

WILSON.

File No. 033.1100 K77/54.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, February 25, 1912.

I am requested by the Minister for Foreign Affairs to send you the following:

Immediately upon learning that this Republic is to be honored by a visit from the Secretary of State of the United States, this Government, in appreciation thereof, appointed a committee of representative men to receive Mr. Knox and tender to him and to the ladies and gentlemen of his party a reception at the Government Palace, and also a banquet on the 28th, besides such other courtesies as time may permit and they may be willing to accept. The Government and people of Panama are delighted with the prospect of the visit and, without political differences, are all preparing in common to show their high appreciation of their honored guest.

DODGE.

Address of welcome of Señor don Demóstenes Arosemena, Governor of Colón Province, on the arrival of the Secretary of State at Colón, February 27, 1912.

[Translation.]

MR. SECRETARY: As the representative of my country's Government in this part of the Republic, the honor of offering you a cordial greeting upon your arrival on our shores in the name of the nation devolves upon me.

The Panaman nation, to whom you are well known, greets in you an eminent statesman of a nation which marches in the vanguard of the civilization and progress of the American continent, and it highly appreciates the visit of so distinguished a guest.

Panama, to whom you are especially persona grata, regards as an honor the presence of so illustrious a representative of the great American Union, which, in an hour of trial for the Isthmians, fearlessly assumed before the world an obligation which it has fulfilled, and will no doubt in the future most loyally fulfill, of guaranteeing and maintaining the sovereignty and independence of the youngest Republic of this continent, and 400,000 Panamans are at this moment hoping that upon leaving our shores you will carry with you as agreeable a memory of the country as your visit will doubtless leave in their breasts.

Welcome, Mr. Secretary, to this Republic, which gladly contributes to the aggrandizement and prosperity of your country with the only thing possible—with its territory.

Reply of Mr. Knox.

EXCELLENCY: In the name of the people of the United States, the President of the United States, for my party, and for myself, I desire to express to you our deep gratitude for the cordiality of this welcome when we have first touched the shore in the Republic of Panama and in the ancient city named for the great discoverer of America. This reception is extremely flattering to me, because it indicates that the people of Panama respond to the sentiment that inspired the President of the United States, and whose inspiration has been cordially and fully indorsed by the people of the United States, to send me hither as a bearer of a message of good feeling, friendship, and kindliness to the people of this Republic and the other peoples of the Caribbean littoral. I have sincerely to thank you all for this manifestation of the sympathy which is thus shown toward us, and I shall repeat to you only what I have said before—that is, thanks—which I am sure will find a response in the hearts of the American people.

Speech of Señor don Aristides Arjona, Minister for Foreign Affairs of Panama, at a dinner given to Mr. Knox at Panama City, February 28, 1912.

[Translation.]

MR. SECRETARY KNOX:

When the cable and the press announced a few days ago your visit to some of the Central and South American republics, the citizens who represent the brain and the heart of these nations, as if moved by a single potent impulse, made ready with their eyes fixed upon you. who can not be other than a bearer of good tidings and an inspirer of wholesome political policies for the Latin-American countries.

These countries, Mr. Secretary, relatively young, as compared with those of the old continent, are eager in this delicate period of their existence for such examples and teachings as may be offered by your great nation, which holds properly the first place in the civilization and progress of this hemisphere.

The youth, the blood, the race, and the idiosyncracies, in short, of these countries tend to make them appear impulsive in the grave questions in which a solution is needed for complicated social and political problems, since, in truth, opposing tendencies and judgments degenerate sometimes into internal complications with prejudicial consequences to the Latin-American family. On the other hand, in your country, the United States, the model Republic, a clear, temperate judgment, cold as the snows of those beautiful latitudes, can at all times be brought to bear upon the series of difficult problems which present themselves to the intelligence and activity of statesmen like yourself; and therefore Latin-American nations, guided by a common purpose to become great, receive with interest and pleasure your visit, which can have no other object than to stimulate and benefit them. Considering the facts thus, I do not hesitate to acknowledge that only a noble altruism guides you, that only lofty ideals inspire your acts, and that only your marked interest in the future of these entities of young America has impelled you to lay aside your delicate and multifarious official duties in your own country to come to strengthen the ties of friendship, interest, and sympathy which join them with your nation, increasing the prestige which has been attained by the wise diplomacy of North America.

The Republic of Panama, mistress of the two greatest bodies of water which bathe the world, has a thousand reasons to be grateful to you and to your Government, and to-day has another reason in considering that it is the first which you have chosen to honor with your visit, you who intend to proceed to the other countries, which will receive you cordially, as an illustrious and distinguished guest, with ovations expressive of their feelings. Panama knows that your mission is one of laudable patriotism and international concord, and doubts not that it will also know how to respond to the call of American confraternity which you have addressed to it, since it aspires loyally to aid you in the work of Pan American progress which you carry on with such success and which will make your name imperishable in the records of the world of Columbus.

You know well, Mr. Secretary, that the Republic of Panama will always be in accord with your lofty views of international policy. A thousand reasons for perpetual gratitude and lasting union bind the inhabitants of the Isthmus to the American Government and people; therefore your triumphs will always have our sincere plaudits and the possibility of your reverses as a nation will always be considered by us as a personal calamity.

The gigantic work of the Interoceanic Canal, which astonishes the whole world, is the principal factor in the community of interests and the reciprocity of sentiment which characterize the relations between our countries. To protect this great work, which is already nearing conclusion, the Republic of Panama will omit neither care nor effort, since it will always hold in remembrance the protection received from your nation when it took its first steps as a sovereign state and the wise purpose which has guided your country in all the acts in which its assistance has been necessary to secure the benefits acquired with our independence.

The work of the representatives of your Government in this Republic and in the Zone of the Canal has been most appropriate and beneficial. Confining myself to the present, I will mention the able diplomat, Mr. Dodge, who maintains upon a high plane the relations between both countries. At the head of the civil administration, Governor Thatcher is a model of zeal and intelligence. Colonel Gorgas, with his well-disciplined officials in the sanitary department, has effectively removed the dark and horrible specter of epidemics; and, finally, Colonel Goethals, the man of iron, of trained mind, of never-sufficiently-praised energy, the supreme director of the stupendous work of the canal, with his constant and honorable zeal to immortalize the name of the United States in that of the colossal work, offers to your powerful country the splendid spectacle, which all powers will witness with delight, of the rapid passage of ships through the channel which is being opened by the unceasing blows of the marvelous arm of the North American Nation. A day of glory, recorded with letters of gold in the annals of the Republic of Panama, will be that upon which traffic through the new road is opened. The world, astounded, will contemplate the celebration which will crown the glory of the people and Government of the United States and which, at the cost of enormous sacrifice, will be the most valuable offering presented upon the altar of universal progress.

Welcome, therefore, illustrious Mr. Secretary. Behold in the people of the Republic of Panama, which has for you the immense gratitude of the protégé, more than a friend, a true brother; and in the name of the Government and of all the citizens of my country accept this modest expression of appreciation and sympathy which we have dedicated to you for your entertainment. When you return to your country, tell the American Government and people, in the name of the Republic of Panama, that we, the people of the Isthmus, are bound to them with the same ties, with the same eternal bonds, with which at no distant time, to the astonishment of the world and for all eternity, the deep, blue waters of the Atlantic and the Pacific will be united.

Reply of Mr. Knox.

MR. PRESIDENT, LADIES, AND GENTLEMEN:

It is an honor and a sincere pleasure to be your guest and the recipient of the cordial welcome of Panama. It is a privilege to stand upon the threshold of the consummation of the greatest work done by man in or for the world and to feel that one is not a stranger upon the soil dedicated from the creation to be the scene of the supreme effort for human advancement when man's requirements demanded it and man's genius should be equal to the task.

When the necessities of the world's first civilization could be no longer supplied and its aspirations no longer satisfied in its oriental abode it was natural that the pioneers of those days should make their first explorations by following the path of the life-giving sun in its daily journeys toward the West.

The fruits of their first timid ventures emboldened them to more ambitious endeavor, and the ever-increasing rewards resulting from the discovery of continents and seas beckoned them on until, halted here by another world, they seemed to have fulfilled their mission of companion discoverers with the sun, which passed on in solitude toward and into the unknown.

It was not until 1513, when Balboa stood "silent upon a peak in Darien" and gazed upon the waters of the Pacific, that it was evident that the hand that gave the seas and formed the land left it possible to divide the hemisphere which halted western progress, even as Moses had divided the Red Sea that the children of Israel might pass, and though the hand of the early navigators were unskilled for the gigantic task their imaginations grasped the possibility of its successful realization.

The history of the project to build an isthmian canal is full of strange national and personal disappointments. Perhaps the most tragic of them all is that, coincident with Spain's loss of the last vestige of her sovereignty in the New World, the final act of the realization of the dreams of her great navigators began.

After many vicissitudes and failures the completion of this stupendous work devolved upon the people of the United States, who are thus thrown into relations with the countries of the isthmian region which, with our geographical propinquity, make a broader understanding and a more sympathetic reciprocal interest between us an essential basis for the realization of the splendid possibilities which seem to have been decreed from the beginning of time.

The President of the United States believes that the early completion of the Panama Canal should mark the beginning of closer relations to all Latin America, and especially to the Caribbean littoral, as well as the relations of these countries to each other, and, impelled by the thought that this is an auspicious moment, through better acquaintance, to lay the foundations upon which there should rest a broader confidence, a closer sympathy, and more practical reciprocal helpfulness, has sent me hither as a bearer of a message of good will to our sister American republics. It is the President's desire that I might personally meet your most hospitable peoples, might see for myself your beautiful countries, with their boundless resources and economic possibilities, to the end that such direct personal knowledge, understanding, and appreciation might result in mutual advantage and in cooperation for the development of all our countries. Responding to the hospitality of the country which has first and so generously received me and with which the relations of my country are so cordially intimate, I take this opportunity of assuring all the American republics that the purpose of the United States toward them is that we should live in amity and essential harmony and that we desire only that more peace, more prosperity, more happiness, and more security should come in and become a part of their individual and national lives.

While it is entirely clear to those who have fairly and intelligently considered the history of the relations of the United States to the other American republics that our politics have been without a trace of sinister motive or design, craving neither sovereignty nor territory, yet is is true that our motives toward you have not always been fortunately interpreted either at home or faithfully represented by some of our nationals who have resided in your midst.

While we have much to learn of each other and are all to be vastly profited by clear and more sympathetic ties, yet between the elder and the younger republics there is much in common.

A commonwealth founded on freedom of conscience and security of individual rights is not an exclusive heritage of Saxon America, but one shared by all the peoples of the hemisphere who, like ourselves, have passed through the sore trials that attend the founding of new communities in a new land. However diverse our physical environments, however great the contrast between the natural obstacles to be surmounted, whether amid the snows and pine forests of the north or in the sierras of the equator and the pampas of the south, the aim of our respective enterprises, expressed in the undying words of Lincoln, has been the same, to bring forth on this continent new nations, conceived in liberty and dedicated to the proposition that all men are created equal.

Much has been said about the effect of the opening of the Panama Canal, but I believe it is given to few of us to realize what magic possibilities are potential in that event. As I conceive it, it will create for our western world an entirely new situation, a situation fraught with possibilities so vast they daze the fancy of the mind. In this new world we must be found drawn closer by sympathies and mutual esteem, and working in harmony toward beneficent ends. This must be so, for our greatest interests are those that are common to us all. We who live on the western hemisphere find ourselves by force of geography in circumstances which make our situation peculiar, and this fundamental fact gives us privileges and imposes upon us duties and obligations we would not otherwise have. It was a perception of this, which your own thinkers and statesmen have seen as clearly as our own, which prompted the announcement by President Monroe of the great and beneficent policy that now bears his name. When the canal is opened and the ships of all the countries of the world come sailing through these Carib seas, the peculiarity of our position with its special requirement will be accentuated and the wisdom of that doctrine confirmed again and specially. It serves admittedly your interests as much as ours. Even now it is a great bond between us. In its future amplification I perceive it will be a common heritage binding together the nations of this hemisphere with a force no power can break, and while it has in Providence been given to us of the north to state and interpret it, it has never been invoked to the detriment of the people of the south or operated to their hurt.

In my judgment the Monroe Doctrine will reach the acme of its beneficence when it is regarded by the people of the United States as a reason why we should constantly respond to the needs of those of our Latin-American neighbors who may find necessity for our assistance in their progress toward better government or who may seek our aid to meet their just obligations and thereby to maintain honorable relations to the family of nations. Great as will be the glory of having physically divided a hemisphere, a greater glory will be to have contributed to the unity, happiness, and prosperity of its people.

It is a paradox that the severance of the physical ligament that joins the two continents of the New World will more closely unite them. Culebra is the clot in the artery of intercourse whose removal will give free and full circulation throughout the whole organism to the vivifying currents of friendship, peace, commerce, and prosperity.

When the waters of the two oceans are blended on the soil of Panama it will make curious changes in the geography of the Americas. All that is south of the Isthmus will be nearer to all that is north, and all that is north will, in a peculiar sense, be more closely drawn together. The Central American republics will be the tropical end of a vast island whose northern limits will extend to the eternal ice and whose southern boundary will be a continuous procession of the commerce of the world.

File No. 033.1100 K77/105.

The American Minister to the Secretary of State.

[Extract.]

No. 79.] AMERICAN LEGATION,
Panama, March 5, 1912.

SIR: Notwithstanding the short time at our disposal, it was possible to complete all the arrangements at a late hour on the 26th ultimo, when Señores Arjona, Minister for Foreign Affairs, Arango, aide-de-camp to the President of Panama, Mrs. Dodge, myself, and Mr. and Mrs. Andrews, left for Colon.

At 7 o'clock on the following morning the *Washington* arrived and I immediately went on board with Mr. Andrews. At 9 o'clock the Secretary and his party landed in the cruiser's launches and were received by Señores Arjona, Hazera, Arango, Arosemena, Governor of Colon, and Dr. Velázquez, as well as by all the other Panaman officials at Colon, the principal officials of the Isthmian Canal Commission and Panama Railroad and quite a large crowd composed chiefly of natives. The landing place was decorated with flags and a band played the national anthems.

After the formal introductions the Secretary entered the special train, which had been provided by the Panaman Government and which was drawn up close by, and proceeded to Panama. At

Panama the station was cleared and profusely decorated and the Secretary was met by the reception committee, which presented flowers to the ladies and made a most cordial address of welcome. After the presentations had been made the Secretary and his party, the reception committee and others were conveyed in some twenty-five automobiles, provided by the Panaman Government, to the Tivoli (the Secretary having decided to stop there), the Secretary's carriage being accompanied by an escort of mounted police. The roadway was lined with police and firemen, and four bands stationed at various points played the national anthems.

At 3 p. m., accompanied by Señor Arjona, his Staff, and myself, in the President's own carriages, the Secretary called upon President Chiari, who was attended by all the members of his Cabinet, by the Designados, and by other high officials. During this call President Chiari made a formal and most cordial address of welcome to the Secretary, who replied with equal cordiality. At the suggestion of the Panaman Government, made to save the Secretary all unnecessary fatigue, it had been arranged that this call should be considered also as a call upon the Ministers of State and Designados.

Upon leaving the Palace, the Secretary and his Staff, accompanied by me, left cards upon all the Diplomatic Missions accredited here and then returned to the Tivoli, where almost immediately all the calls were returned.

In the evening the Secretary and most of the members of his party dined at the Legation, the following other guests, drawn as much as possible from all the different political parties, being also present: President and Señora Chiari, Señor and Señora Arjona, Dr. Pablo Arosemena, Señor and Señorita Boyd, General de la Guardia, Dr. and Señora Porras, Señor de La Espriella and Colonel and Mrs. Gorgas.

After dinner a reception followed at the Legation at which about 250 people were present, also including as many representatives as possible of all political parties and Panaman society.

On the next day, the 28th ultimo, the Secretary and his party, accompanied by the reception committee, the members of the Legation and others, made an excursion to Old Panama, which at the request of the Secretary had been substituted for the excursion in the bay of Panama. Luncheon was taken at the house of the Honorable F. M. Thatcher, Chief of the Civil Administration of the Canal Zone, and at 4 p. m. the Secretary and his party attended a large reception in the President's Palace. In the evening the Secretary, with all the gentlemen of his party, attended an extremely elaborate banquet in the Hotel Central at which 170 persons were present, while the ladies of the party dined with Señora Ramón Arias F. Jr., later observing the banquet from the gallery of the hotel. Upon this occasion Mrs. Knox was presented by Señora Chiari with an attractive basket, of native workmanship, filled with valuable ornaments found in ancient Indian graves. Señor Arjona made a speech in honor of the Secretary, to which the Secretary replied. It had previously been arranged that there would be no other speeches.

On the following day, the 29th ultimo, the Secretary and his party returned to Colon, accompanied by Señores Arjona and Arango, the members of the Legation, Lieutenant Colonel Hodges, acting chairman of the Isthmian Canal Commission, and others, stopping en route to visit some of the points of interest on the Canal. At Colon, where he was received by the local authorities with the local band, he invited Señores Arjona and Arango to visit him on board the *Washington*, and upon leaving the cruiser Señor Arjona was given the usual salute.

Upon his arrival on board, the Secretary received a telegram from President Chiari expressing deep appreciation for his visit, to which he replied by wireless, soon after the cruiser's departure, as follows:

His Excellency RODOLFO CHIARI,
President of Panama:

Upon parting from the fair shores of Panama I desire to extend to you in my own name and in the name of my Government my hearty thanks for your cordial welcome and warm and generous hospitality while it was my privilege to be with you. Mrs. Knox joins me in fervent wishes for your continued good health and prosperity and that of Mrs. Chiari.

P. C. KNOX.

The Secretary's visit passed off without a single regrettable incident, so far as I am aware, notwithstanding the necessary haste in preparations, and the chief officials and political leaders of all parties showed the best disposition to make it a success in every way.

The local press also, both during the visit and since the Secretary's departure, has shown the greatest interest in his visit and has made uniformly cordial comments regarding it.

I have [etc.]

H. PERCIVAL DODGE.

File No. 033.1100 K77/116.

The American Minister to the Secretary of State.

No. 84.]

AMERICAN LEGATION,
Panama, March 9, 1912.

SIR: Referring to my despatch No. 79 of the 5th instant, I have the honor to enclose a copy of a note dated the 2nd instant, which I addressed to Señor Arjona, Minister for Foreign Affairs, conveying to him and to the Panaman Government a repeated expression of the thanks and appreciation of the Secretary of State for the reception tendered to him by the Panaman Government, as well as a copy and translation of the reply of Señor Arjona, dated the 6th instant. Señor Arjona has subsequently taken occasion to thank me for the opportunity afforded to him by my note for placing upon record the sincere appreciation of President Chiari and of the Panaman Government for the Secretary's visit.

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure 1.]

The American Minister to the Secretary of State for Foreign Relations.

EXCELLENCY: I have the honor to inform your excellency that I have been requested by his excellency the Honorable Philander Chase Knox, Secretary of State of the United States of America, to convey in his name to your excellency and through your excellency to the Government of Panama a further expression of his sincere thanks and appreciation of the magnificent and cordial reception so graciously tendered to him during his visit in Panama, in which his excellency was especially pleased to note that representatives of all political parties equally participated.

I avail [etc.]

H. PERCIVAL DODGE.

[Inclosure 2.—Translation.]

The Secretary of State for Foreign Relations to the American Minister.

EXCELLENCY: The information conveyed to this Department by your excellency in your courteous communication of the 2d instant, has been the cause of just gratification to His Excellency in Charge of the Executive Power.

That high Magistrate greatly appreciates the interest taken by his excellency the Honorable Philander C. Knox, Secretary of State of the United States, in making known to him his appreciation of the entertainments which, in the name of the Panaman Government and people, were organized in his honor during the brief visit with which he honored us in his journey to some of the Central and South American republics. And it is an additional cause of satisfaction to His Excellency in Charge of the Executive Power that the entertainments organized and demonstrations made should have merited the kind acceptance and entire approval of the distinguished American statesman.

The consideration that the festivities should have as a basis the expression of national sentiment and not that of a particular political party, in order to demonstrate in a genuine and sincere manner the cordiality existing between the Panamans and the American Government and people, inspired the Executive to designate special committees for the organization of the reception in honor of the distinguished guest, and, for this reason, all the representatives of the existing political parties had, in the committees nominated, the place of honor to which they were entitled in the demonstration of Panama to his excellency, Mr. Knox. Otherwise, neither the Government nor the people of Panama would have done their duty nor paid homage worthy of the importance of the guest entertained.

Will your excellency be kind enough to inform his excellency the Honorable Mr. Knox of the contents of this communication and assure him, once again, in the name of His Excellency the Designate Charged with the Executive Power, and of this Department, of the impressions of sincere consideration and respect of the Panaman Government and people?

I am [etc.]

ARISTIDES ARJONA.

ASSAULT ON AMERICAN CITIZENS IN PANAMA.

File No. 419.11 D 29.

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Panama, July 4, 1912.

To-day at Cocoa Grove one American civilian killed, three wounded, and seven infantry privates, two marine privates wounded, by Panaman police. Three policemen wounded, one reported killed. Investigation thus far indicates an attack by armed police on unarmed soldiers, for no cause except some altercation among themselves.

DODGE.

File No. 419.11 D 29/2.

AMERICAN LEGATION,
Panama, July 9, 1912.

Affidavits regarding assault by police tend strongly to prove that all the Americans were unarmed, although somewhat disorderly and intoxicated; that suddenly a policeman fired on them, the Americans replying with stones; that a large body of police appeared a little later and began at once to fire, whereupon the Americans fled without making resistance, taking refuge in houses, pursued by the police who were continuously firing.

Ralph W. Davis was killed, transfixed by a bayonet while seeking a hiding place.

Some who surrendered to the police were beaten and wounded after surrender.

American casualties one, nineteen wounded, two seriously.

From statements thus far received, the conduct of the police was so outrageous that I recommend that the Government be requested to suspend Chief of Police Quijano and Inspector General of Police de la Ossa. They were apparently not present during the firing, but are responsible for the personnel and consequent dangerous character of the force.

DODGE.

File No. 419.11 D 29/14a.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 22, 1912.

Relative to the affair at Cocoa Grove on July 4; to the killing of Pelote and arresting of certain persons on the Canal Zone by Panaman police; to the War Department's request and your recommendation that demand be made for dismissal of Quijano, and to your recommendation as to de la Ossa—you will immediately repeat the demand for the removal of Quijano if he has not already been removed, and will demand removal of de la Ossa; you will at the same time say that it is expected that these officers will not be reinstated. Use all proper means to cause their removal by the present administration.

In regard to Ralph W. Davis, say that it is obvious that this Government expects every proper effort to be made to identify the murderers of Davis, and to adequately punish not only them, but all other guilty officers.

ADEE.

File No. 419.11 D 29/18.

The American Minister to the Secretary of State.

[Extract.]

No. 197.]

AMERICAN LEGATION,
Panama, August 26, 1912.

SIR: I have the honor to acknowledge the receipt late on the 22d instant of the Department's telegram of August 22, directing me immediately to demand [etc.].

On the following morning I addressed a note to Señor Chiari, Minister for Foreign Affairs, in the sense of your telegram. My note was actually delivered to Señor Chiari at about 3 p. m. I have since learned from a trustworthy source that about 4.30 p. m. Señor

Quijano, accompanied by Captain Walker of the Panaman police, embarked in a small boat in the port of Panama and proceeded to a point near the island of Flamenco in the bay. The boat lay at this point until the steamship *Chile* bound for Guayaquil passed, coming out of the port of Balboa, when Señores Quijano and Walker boarded her. Señor Quijano evidently desired to leave as hurriedly and as secretly as possible, taking this most unusual manner of joining his steamer in order to escape notice and avoid passing through the Canal Zone. His passage was taken under the name of "Wallace," which is part of his full name (Quijano-Wallace), although he is not known by it. Before leaving Señor Quijano found time to tender his "irrevocable" resignation to President Arosemena, said to be dated the following day. The Captain Walker who accompanied him is the police officer who was in command of the police detachment which brutally charged unoffending men, women, and children in the Santa Ana Park on the night of the 4th instant.

This afternoon I called upon Señor Chiari and inquired of him when I might expect a reply to my note, informing him at the time of the seriousness of the matter and of the expectation of my Government that its demands would be complied with promptly. Señor Chiari answered that the Government was still considering its reply, which I would receive to-morrow (28th [sic] instant). In answer to my inviting his attention to the circumstances of the departure of Señor Quijano, which resembled a flight, Señor Chiari remarked that Señor Quijano's resignation had been prepared some time before, that he had long been contemplating a trip abroad and that he had avoided passing through the Zone and had left quietly merely because certain personal enemies of his might otherwise have attempted some injury to him. He admitted, however, that Señor Quijano had been ill-advised in engaging a cabin under the name of "Wallace." He knew nothing as to how the President had accepted his resignation. Captain de la Ossa, he believed, was still occupying his post.

I then invited Señor Chiari's attention to the expectations of my Government relative to the identification and punishment of the guilty. Señor Quijano [sic] replied that Judge de la Guardia was still investigating the occurrences on July 4. In answer to my questions he stated that he did not know when this investigation would end, nor whether as yet the evidence examined pointed to any persons as guilty, nor in fact anything regarding it. Señor Chiari in fact showed a disinclination to giving any information as to the Panaman Government's investigation. He remarked, however, that he regretted that in demanding the removal of Señores Quijano and de la Ossa, I had not submitted the evidence which had induced my Government to make these demands. Señor Chiari showed throughout this conversation, as he has always done, a desire to belittle this whole affair and to procrastinate, doubtless with a view to leaving it to be settled by Dr. Porras' administration. I shall, however, in accordance with the Department's directions, use all proper means toward securing the prompt removal of these men.

In this connection I have the honor to state that I am informed by the Zone police that there appears again to be a reasonable chance of securing evidence as to the identity of the murderers of Ralph W.

Davis and certain other policemen who took part in the Cocoa Grove affair. It seems likely that once Señores Quijano and de la Ossa are removed, a number of witnesses will be prepared to give evidence who are now afraid to do so.

I have [etc.]

F. PERCIVAL DODGE.

[Inclosure.]

The American Minister to the Secretary for Foreign Affairs.

No. 249.]

AMERICAN LEGATION,
Panama, August 23, 1912.

EXCELLENCY: I have the honor to inform your excellency that I have received instructions from my Government directing me immediately to demand of your excellency's Government the removal from their respective offices of Señor Quijano, chief of the Panaman police, and of Señor de la Ossa, captain of police.

These demands are in view of the evidence before my Government relative to the affair which occurred on July 4 last in the district of Panama known as "Cocoa Grove" and also in view of the evidence relative to the affair which occurred on the 12th instant in the same district, both of which affairs are now receiving the most serious consideration of my Government. The demand for the removal of Señor Quijano is also in view of a request of the Secretary of War of the United States made on account of the killing of one marine, Pelote, and the arrest of a man, woman and child by certain Panaman police on July 4 last within the territory of the Canal Zone.

My Government further directs me to inform your excellency that obviously it expects that the Panaman Government will make all proper efforts to identify the person or persons guilty of the murder of the American Ralph W. Davis during the affair at "Cocoa Grove" on July 4 last, and will cause them as well as the other guilty police officers and privates to be adequately punished.

I avail [etc.]

H. PERCIVAL DODGE.

File No. 419.11 D 29/15.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Panama, August 27, 1912.

In response to my note of August 23 to the Minister for Foreign Affairs, I have to-day received from him a note written by direction of the President, substantially as follows:

> Without previous proof of the guilt of the parties, the Government of Panama can not accede to the demand as made. Since international law requires that demands be founded on proofs, it is not necessary for the Government of Panama to explain its reasons, or to state its profound surprise at the small degree of friendliness with which on this occasion it has been treated by the Government of the United States. Prior to the conclusion of the investigation of the incident of July 4, now going on, nothing definite can be known, but assurances can be given that all found guilty will be punished.

The note then refers to the Pelote incident and claims that the Panaman police were assisting and cooperating with the Zone police.

The note ends by stating that Quijano had left before my note was received.

DODGE.

File No. 419.11 D 29/15.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 30, 1912.

The Minister of Panama stated at the Department on August 27 that unless our Legation supplied full proofs of guilt, he hoped this Government would not press for the dismissal of Ossa; to which the Department to-day replied that it does not find any justification for modifying in any respect its just insistence upon Ossa's dismissal, and that the Department feels that Ossa and Quijano must both be held responsible for grave outrages which involve death and injury of American citizens.

In making your representations you should recall to the Government of Panama that this last outrage is merely the culmination of a long series of indignities and injuries to American citizens. You will then say that these indignities and injuries have been inflicted under such circumstances as to convince this Government that the Panaman police as now organized can not be trusted adequately to protect the life and property of American citizens nor even to refrain from acts of their own, whenever the opportunity may occur, of positive violence against American citizens; that this Government must therefore repeat its demand for the immediate removal of the responsible officers; and that this Government must consider what immediate measures it will be obliged to adopt, in view of its rights, duties and obligations in the premises, in case the Panama police force should not be so reorganized as adequately to secure the maintenance of public order in the cities of Panama and Colon and in the adjacent territories and harbors.

WILSON.

File No. 419.11 D 29/21.

The American Minister to the Secretary of State.

[Extract.]

No. 201.]

AMERICAN LEGATION,
Panama, September 2, 1912.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of August 30, relative to the demanded dismissal of Captain J. Francisco de la Ossa, jr., of the Panaman police. I immediately drafted a note to Señor Chiari, Minister for Foreign Affairs, a copy of which is inclosed. I then called upon Señor Chiari and handed this note to him in the course of a long interview, during which I read the note to him in Spanish, as Señor Chiari speaks no English, and commented upon it in some detail, reviewing the conduct of the police and their present dangerous character, for which Señor de la Ossa was jointly responsible with Señor Quijano. I then requested him to give me his answer at the earliest moment, since I could not allow a solution of this matter to suffer longer delay.

I then endeavored to see President Arosemena, intending to hand him a copy of my note to Señor Chiari, but I was unable to do, as the President sent a message to me to the effect that he was unwell.

Late this afternoon I received Señor Chiari's reply, of which I inclose a copy and translation, stating that by a decree dated to-day Captain de la Ossa has been "separated from the exercise of his duties as captain of the National Police." This phrase, which is one often used here, signifies the definitive removal of this man from the police as demanded by the Department. I have already ascertained that Señor de la Ossa is no longer wearing the police uniform and soon I expect to have confirmation of his entire separation from the police.

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure 1.]

The American Minister to the Minister for Foreign Affairs.

No. 251.]

AMERICAN LEGATION,
Panama, August 31, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's esteemed communication No. 2806, dated the 27th instant, in reply to my note F. O. No. 249 of the 23d instant, in which I had the honor to inform your excellency that I had received instructions from my Government directing me immediately to demand of your excellency's Government the removal from their respective offices of Señor Julio Quijano and Señor Franklin de la Ossa.

I have the honor to inform your excellency that I duly transmitted to my Government by telegraph the substance of your excellency's note and that I have now received my Government's reply instructing me to state to your excellency that my Government sees no reason which would justify it in changing in any way its proper insistence on the dismissal of Señor de la Ossa, whom my Government considers is to be held with Señor Quijano to be responsible for the outrages of a grave character which have entailed loss of life to American citizens as well as injuries to them.

My Government desires me to recall to your excellency's Government that there has been a prolonged series of indignities and injuries which have been inflicted on Americans and that this recent outbreak is only the culmination of this series. The circumstances under which these indignities and injuries have been inflicted oblige the Government of the United States to come to the conclusion that the police of your excellency's Government can not, under their present organization, be trusted either to afford proper protection to the lives and property of American citizens or themselves to keep from committing against Americans acts of actual violence whenever an occasion for this is presented to them.

My Government accordingly instructs me to say to your excellency that the Government of the United States is compelled to repeat the demand already made by it for the immediate removal of the officers who are responsible and that unless the Panaman police is so reorganized as properly to insure in Panama City, Colon, and the harbors and territories adjacent to them the maintenance of public order, the Government of the United tSates will find it necessary to consider the immediate measures which must be taken by it in connection with the duties, obligations, and rights which appertain to it in this matter.

I avail [etc.]

H. PERCIVAL DODGE.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 2855.]

DEPARTMENT OF FOREIGN RELATIONS,
Panama, September 2, 1912.

MR. MINISTER: Referring to your excellency's note No. 251 of the 31st of August last, I have the honor to inform you that by decree No. 450, made to-day, Señor J. Francisco de la Ossa, jr., has been separated from the exercise of his duties as captain of the national police.

Shortly I shall address myself again to your excellency concerning certain of the points mentioned in your excellency's note.

I renew [etc.]

Eduardo Chiari.

File No. 419.11 D 29/23.

The American Minister to the Secretary of State.

[Extract.]

American Legation,
No. 206.] *Panama, September 5, 1912.*

Sir: Referring to my despatch No. 201 of the second instant, relative to the dismissal of Captain Francisco de la Ossa, of the Panaman police, I have the honor to inclose a copy and translation of the decree[1] dismissing this officer. * * * I also enclose a copy and translation of the decree[1] accepting Señor Julio Quijano's resignation. * * *

In my despatch No. 201 [197] I stated that a result of the removal of Señores Quijano and de la Ossa would probably be that many persons now afraid to do so would be willing to give evidence as to the occurrences on July 4 last. There seems to be good reason for anticipating that this result is now about to take place. * * *

I may mention that in order to render the identification of the policemen engaged in the Cocoa Grove affair more difficult Señor Quijano has not only transferred many of these policemen to various parts of the republic, as to Chiriquí, but has changed all their numbers. Many of them also have now left the police altogether. The officer in charge of the Cocoa Grove station upon July 4 last was Vigilante Cortes, who some weeks ago left Panama secretly for Guayaquil. * * *

I have [etc.] H. Percival Dodge.

File No. 419.11 D 29/21.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 75.] Department of State,
Washington, September 19, 1912.

Sir: The Department has received Mr. Dodge's No. 201 of the 2d instant, reporting his action in obtaining the dismissal of Captain J. Francisco de la Ossa, jr., of the Panaman police.

Mr. Dodge's action is approved by the Department.

I am [etc.]

Huntington Wilson.

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[1] Not printed.

File No. 419.11 D 29/23.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

Department of State,
Washington, September 24, 1912.

You will address the Foreign Office substantially as follows:

The Department of State has carefully examined a great mass of evidence relating to the occurrences at Cocoa Grove on July 4, 1912, wherein two American citizens were killed and many others wounded by Panaman police. This examination has inevitably led to the conclusion that the deplorable results of those occurrences are chargeable to the brutal and criminal conduct of the policemen; that no effort was made by the superior police officers to prevent such conduct by their subordinates; that there is, rather, much reason to believe that the latter were encouraged to their conduct by their superiors; that, further, there is considerable evidence tending to show this attack upon unarmed American citizens to have been premeditated and more or less openly discussed in Panama as probable for some days before it happened.

You will then say that it furthermore appears that after the attack the policemen involved were transferred to other points, their police numbers changed and the officer in charge of the police station at Cocoa Grove was allowed to leave the country—all in order to make it difficult to identify the guilty persons.

In view of such evidence, facts and circumstances, and the unfortunate frequent recurrence of such incidents, the Government of the United States must insist (first) that immediate and adequate punishment be inflicted upon those criminally liable therein; (second) that an indemnity be paid for the killing and wounding of the American citizens involved, the amount of the indemnity to be fixed after the Panaman authorities shall have had opportunity to punish the guilty; (third) that the Government of Panama formally express its regret for this deplorable affair, unless the character of the affair be materially changed by facts hereafter discovered.

You will add, in a way to leave no possible room for misunderstanding, that an immediate response accepting these bases of adjustment is expected by this Government.

Wilson.

File No. 419.11 D 29/26.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
Panama, September 30, 1912.

The Foreign Office has sent a note in reply to your September 24, stated to be based on instructions from the President. It is wordy, argumentative, with much high-flown sentiment, of twelve pages, six of which are excerpts from testimony. The substance of it is:

The Panaman Government is unable to accept the proposed bases of adjustment because (1) the judicial inquiry is not yet ended and the executive can not admit responsibility in the meantime; (2) the Government of the United States has been erroneously informed, since the incident was due to excesses of American soldiers; (3) the American Government really concurs in point 1, since it admits possibility of showing a substantial change in the character of the incident. The note concludes with a suggestion of arbitration.

This reply, it should be remembered, is from an administration that expires to-day. I request instructions, as I wish to take up the matter with the new administration within a few days.

Accompanying the note is a book of testimony in Spanish; it contains 134 pages and it will take ten days to translate them. Shall I send it to the Department without translation?

ANDREWS.

File No. 419.11 D 29/26.

The Acting Secretary of State to the American Chargé d'Affaires.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 5, 1912.

The Legation will translate the testimony. You will be further instructed on receipt of the translation.

WILSON.

File No. 419.11 D 29/31.

The American Chargé d'Affaires to the Secretary of State.

No. 238.]

AMERICAN LEGATION,
Panama, October 28, 1912.

SIR: I have the honor to inform you that noticing the authorities of Panama to not be showing energy in seeking the apprehension of those members of the national police who must have been guilty of the unjustifiable assault upon American citizens in the affair of the 4th of July—and this in spite of the insistence exhibited in your instruction telegraphed September 24th—I have addressed a note to the Foreign Office calling attention to the necessity of apprehending those guilty as being a necessary part of any adjustment, notwithstanding the delay unavoidably existing before a resumption of negotiations.

I have the honor to herewith enclose a copy of my note.

I have [etc.]

WM. WHITING ANDREWS.

[Inclosure.]

The American Chargé d'Affaires to the Secretary of Foreign Affairs.

AMERICAN LEGATION,
Panama, October 28, 1912.

EXCELLENCY: I have the honor to bring to your excellency's attention—in view of the very considerable and unavoidable delay which is occurring before a resumption of negotiations directed towards an adjustment of the issue between my Government and your excellency's Government arising from the incident of the clash that occurred July 4th last, between American citizens and police of the Republic—that any basis of adjustment between my Government and your excellency's will mainly hinge upon the punishment of those members of the national police criminally liable for the murder of one American citizen and the wounding of many others.

The delay can not be considered as indicating any abandonment of the extreme interest which the Government of the United States feels in the apprehension and adequate punishment of those guilty.

I avail [etc.]

Wm. Whiting Andrews.

File No. 419.11 D 29/32.

The American Chargé d'Affaires to the Secretary of State.

No. 240.]

American Legation,
Panama, November 1, 1912.

Sir: Referring to my despatch No. 238, of October 28, 1912, I have the honor to enclose herewith a copy and translation of a note received from the Foreign Office, and which will have interest for the Department as significant of the attitude of the present Administration towards the police abuses of the 4th of July.

I have [etc.]

Wm. Whiting Andrews.

[Inclosure.—Translation.]

The Secretary for Foreign Affairs to the American Chargé d'Affaires.

Foreign Office,
Panama, November 1, 1912.

Sir: I have the honor to acknowledge the receipt of your courteous communication, dated the 28th of last month, and in reply I am pleased to inform you that being anxious to make amends for the unpleasant situation created by the lamentable incidents that occurred in this city on the 4th of July of the present year, with the result of an affray between various American citizens and some members of the Panaman police my Government has ordered the Attorney General to effect the completion as soon as possible of the investigation which has been already initiated by the Superior Judge of this capital.

My Government hopes that the investigation carried on under the able direction of such a high and honorable functionary, will make it possible to ascertain, in order that they may be punished with all the rigor of our laws, those who were responsible for the death of the American citizen and for the wounding of the others to which you alluded in the note to which I am replying.

With sentiments [etc.]

E. T. Lefevre.

File No. 419.11 D 29/31.

The Secretary of State to the American Chargé d'Affaires.

No. 88.]

Department of State,
Washington, November 12, 1912.

Sir: The Department has received your No. 238, of the 28th ultimo, in which you report that you have addressed a note to the Panaman Foreign Office calling attention to the necessity of apprehending those members of the national police force, who were guilty of the unjustifiable assault upon American citizens on July 4 last, as being an indispensable part of any adjustment of the case between the two Governments.

Your action in the matter is approved.

I am [etc.]

P. C. Knox.

File No. 419.11 D 29/34.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 249.]

American Legation,
Panama, November 19, 1912.

Sir: I have the honor to inform you that I have received a request from the Minister of Foreign Affairs, written at the behest of the Attorney General, asking that the Legation furnish a copy of the testimony on the American side which bears upon the riot between American soldiers and marines and the Panaman national police on July 4 last.

The reasons given for this request are that the Panaman testimony have proven worthless to the Government of Panama in its efforts to fix the blame for the casualties upon individuals, and that the American testimony might assist the Government also in placing the blame upon men higher up in the former administration.

The Legation has in its files only a duplicate copy of a summary of certain most important testimony selected from the entire evidence, which is voluminous.

I have informed the Secretary that I did not feel at liberty to comply with his request except under instruction from the Department of State.

I have [etc.]

Wm. Whiting Andrews.

File No 419.11 D 29/32.

The Acting Secretary of State to the American Chargé d'Affaires.

Department of State,
Washington, November 23, 1912.

Sir: In reply to your No. 240, of the 1st instant, I desire to say that the Department is glad to learn of the apparently sincere determination of the present administration of Panama to identify and punish those responsible for the killing and wounding of American citizens in Panama on July 4 last, and trusts that the investigation which has been undertaken will lead to prompt results along this line.

I am [etc.]

Huntington Wilson.

File No. 419.11 D 29/34.

The Acting Secretary of State to the American Minister.

No. 96.]

Department of State,
Washington, December 27, 1912.

Sir: The Department has received Mr. Andrews' No. 249 of the 19th of November last, in which he reports that the Panaman Minister of Foreign Affairs has asked your Legation to furnish him with a copy of the testimony taken on the American side bearing upon the riot between American soldiers and marines and the Panaman national police on July 4 last. In reply the Department desires to say that it will be glad to have you confer with the officials of the Canal Zone with reference to this matter.

Bearing in mind the reasons given by the Panaman authorities requesting copies of the American testimony, together with the possible purpose for which it may be employed, you will use your own discretion in the matter of acceding to the request of the Panaman Minister of Foreign Affairs.

I am [etc.]

HUNTINGTON WILSON.

REINSTATEMENT OF POLICE OFFICERS, DISMISSED AT REQUEST OF THE UNITED STATES.[1]

File No. 319.112 R 15/127.

The American Minister to the Secretary of State.

No. 54.]

AMERICAN LEGATION,
Panama, January 18, 1912.

SIR: I have the honor to inform you that a report recently reached me to the effect that certain of the police officers who were guilty of brutalities toward seamen of the U. S. S. *Buffalo* on the night of September 28, 1908, and who subsequently were dismissed on this account upon the demand of the American Government, had been reinstated in the Panaman police. I accordingly requested the Zone police authorities, if possible, to ascertain the truth of this report, and I am now informed by them that two of these men are members of the Panaman police. These are Paulino Macías, who was restored to the police some months ago as a policeman (No. 336), and Abelardo Bustos, who was restored to the police about two years ago (No. 162). Of the other three, two are in Panama and the third has not been located.

It will be remembered that the dismissal of these five men from the Panaman police was demanded by the Department as part of the settlement of the *Buffalo* case "for the reason that the investigations and reports made by representatives and officials of this [the American] Government clearly indicate that the police officers of Panama acted brutally and cruelly toward unarmed sailors wearing the uniform and entitled to the protection of the United States." (Instruction 192 of July 13, 1909.[2]) This demand for their dismissal was communicated to the Panaman Government in Mr. Squiers's note to the Minister for Foreign Affairs, No. 531, of July 31, 1909, a copy of which was enclosed in his despatch No. 531 of August 2, 1909,[3] which also enclosed the reply dated July 31, 1909, of the Minister for Foreign Affairs, giving the text of the President's decree commanding the chief of police to dismiss these men. Mr.

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[1] Continued from For. Rel. 1909, pp. 472–494.
[2] For. Rel. 1909, pp. 472, 489.
[3] These numbers and dates are confused; see For. Rel. 1909, pp. 488–193.

Weitzel's despatch No. 536 of August 13, 1909,[1] enclosed a copy of a further note from the Minister for Foreign Affairs dated August 6, 1909, giving the text of a note from the chief of police stating that three of these men, including the two now reinstated, Paulino Macías and Abelardo Bustos, had been dismissed and that the other two had not belonged to the police for more than six months.

If the information which has been furnished to me by the Zone police, and which was secured by the same detective who originally investigated this matter, is correct, Abelardo Bustos must have been reinstated soon after his dismissal and Paulino Macías must have been reinstated about two years later.

In this connection, I have the honor to refer to my despatch No. 50 of the 9th instant,[1] in which I have mentioned the numerous changes which have been made in the Panaman police, especially during the last weeks, for political purposes. It is credibly reported that many of the new political appointees are men of very doubtful character, some of them, in fact, having extremely bad records.

I have [etc.]

H. PERCIVAL DODGE.

JANUARY 20, 1912.

P. S.—I reopen my despatch to add that I have just been informed by the Zone police authorities that the former policeman, who, as stated therein, had not then been located, Sergeant Indalecio Franco, has now been found to be again serving in the Panaman police at Bocas del Toro as Policeman No. 669. This man is one of the two who was stated in the note of August 6, 1909, of the Minister of Foreign Affairs, enclosed in Mr. Weitzel's despatch No. 536 of August 13, 1909, above referred to, not to have belonged to the Panaman police for more than six months.

The two men who have not been reinstated are former Lieutenant Emilio Lenares, who is a clerk in a hardware store in Panama, and Faustino Alvarado, who is a cab driver, also in Panama.

H. P. D.

File No. 319.112 R 15/127.

The Acting Secretary of State to the American Minister.

No. 34.]

DEPARTMENT OF STATE,
Washington, February 19, 1912.

SIR: The Department acknowledges the receipt of your despatch No. 54, of the 18th ultimo, reporting that Paulino Macías and Abelardo Bustos, two of the policemen who were guilty of brutalities toward seamen of the U. S. S. *Buffalo* on September 28, 1908, and who, together with three others, were discharged from the National Police force of Panama on August 1, 1909, to satisfy the demands of this Government, have been reinstated in the Panaman police. You add that the reinstatement of Bustos must have occurred soon after his dismissal and that of Macías a few months ago.

The demands of this Government for the dismissal of these men contemplated, as it seemed hardly necessary to explain, not only the discharge of these policemen but also their permanent separation from the police force, and the Department is disagreeably surprised to learn that two of them have been reinstated.

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[1] Not printed.

Although the Department believes it inadvisable to press this matter very urgently at the present time, you are instructed to lay before the Minister for Foreign Affairs the facts of the case, calling attention to the disagreeable impression the Department has received upon learning of the reinstatement of these men and stating that the Government can not be satified with less than the permanent separation from the Panaman police force of all the police officials involved in the *Buffalo* affair. You may add that this Government can not believe that the Government of Panama intends to depart from the attitude it adopted toward this matter at the time of its settlement and will accordingly not fail to cause Macías and Bustos to be promptly discharged and permanently barred from the Panaman police force.

I am [etc.]

HUNTINGTON WILSON.

File No. 819.112 R 15/128.

The American Minister to the Secretary of State.

[Extract.]

No. 97.]

AMERICAN LEGATION,
Panama, March 23, 1912.

SIR: I have the honor to acknowledge the receipt of your instruction No. 34, of February 19th last, relative to [etc.]. According to your directions I laid the facts of this matter before Señor Chiari, Minister for Foreign Affairs, in the sense of your instruction, also handing to him an aide mémoire embodying the substance of my verbal communication. * * *

On the 13th instant I received a note dated the 12th instant, a copy and translation of which are enclosed. * * *

Señor Chiari has since informed me verbally that the policeman No. 667 serving at Bocas del Toro under the name of Balbino Palma has been ascertained to be Indalecio Franco and has accordingly also been dismissed. Señor Chiari further stated that to prevent any further reinstatement of these men, their photographs had been taken and sent to all the police stations in the Republic.

I have thought well to have Señor Chiari's statements confirmed by the Zone Police who now inform me that it is a fact that these three men have been dismissed and duly photographed. I have accordingly verbally stated to Señor Chiari my appreciation of his Government's disavowal and expressions of regret and of its prompt action.

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Minister.

No. 794.]

DEPARTMENT OF FOREIGN AFFAIRS,
Panama, March 12, 1912.

MR. MINISTER: I have the honor to refer to your excellency's memorandum of yesterday in regard to the appointment to the police of some of the individuals who took part in the *Buffalo* affair.

I have taken great pains to investigate the facts reported by your excellency and can inform you as follows:

Unfortunately it is true that Paulino Macías and Abelardo Bustos were serving in this city as policemen. From data which I have before me, furnished by the commander of the police, it appears that the said individuals were appointed by the ex-Commander Señor Leonidas Pretelt, on August 2, 1911, and November 11, 1909, respectively.

In compliance with instructions issued by His Excellency the President of the Republic, the individuals mentioned have been this day dismissed from the police and every proper means has been taken so that there may not be the slightest complaint on this account in the future.

In regard to Indalecio Franco, I take the liberty to inform your excellency that from the latest list of the personnel of the Bocas del Toro police which can be consulted, which is dated February 20 last, there is in that city no person by that name in the Government service. Your excellency states that Franco was reinstated as number 669 and this number corresponds to Policeman Balbino Palma. However, as it may be possible that he has been appointed since February 20, the commander of the police yesterday telegraphed to Bocas del Toro ordering his dismissal in case he has been reinstated.

The Government was in ignorance of and sincerely regrets what has happened, which can only be explained in the following manner:

In accordance with the decree organizing the police, it is the commander who appoints and dismisses all the policemen. Probably the chief of police at the time when Macías and Bustos were reinstated did not have in mind the circumstance that these individuals were dismissed from the police owing to their behavior in the affair referred to, since it is not credible that he could have intended to cause the least mortification to your excellency's Government.

With assurances [etc].

EDUARDO CHIARI.

File No. 319.112 R 15/128.

The Acting Secretary of State to the American Minister.

DEPARTMENT OF STATE,
Washington, April 6, 1912.

SIR: The Department is in receipt of your despatch No. 97, of March 23 last, in which you report regarding the case of Paulino Macías, Abelardo Bustos and Indalecio Franco who had been dismissed from the police force of Panama because of their connection with the *Buffalo* affair.

The Department is gratified to know of the prompt steps that were taken by the Panaman Government to rectify the error that had been made in restoring these men to positions on the police force of the Republic, and to find that the views expressed by the Department in its instruction No. 34, of the 19th of February last, are in entire accord with those held by the Panaman Government.

I am [etc.]

HUNTINGTON WILSON.

PARAGUAY.

POLITICAL AFFAIRS—INSURRECTION OF FEBRUARY-MARCH, 1911; COUP D'ÉTAT OF JULY, 1911; VARIOUS INSURRECTIONS, NOVEMBER, 1911, to MAY, 1912; PRESIDENTIAL SUCCESSIONS OF GONDRA, JARA, ROJAS, PEÑA, NAVERO, AND SCHAERER.—RECOGNITION OF PRESIDENT SCHAERER BY THE UNITED STATES.

File No. 834.00/101.

The American Consul at Asuncion to the Secretary of State.

American Consulate,
Asuncion, April 17, 1911.

Sir: I have the honor to transmit herewith my report dated April 13, 1911, on the insurrection in this country in February and March, 1911.

I have [etc.] Cornelius Ferris, Jr.

[Inclosure.—Extract.]

Report on the Insurrection in Paraguay in February and March, 1911.

Asuncion, Paraguay, *April 13, 1911.*

CIRCUMSTANCES LEADING UP TO THE OUTBREAK.

The insurrection which began in Paraguay on the 21st of February, 1911, was the culmination of political differences between the Provisional President, Colonel Albino Jara, and the leaders of the Liberal-Radical Party, namely, Manuel Gondra, Juan B. Gaona, Adolfo Riquelme and Eduardo Schaerer, the two last named being the most prominent leaders.

The Liberal-Radical Party came into power by a revolution in 1908, Colonel Jara being the effective agent to accomplish that result.

In November, 1910, Manuel Gondra was inaugurated President, having been duly elected under the constitution. Colonel Jara was appointed Minister of War and Marine, Adolfo Riquelme was appointed Minister of Interior. Juan B. Gaona was Vice President and President of the Senate. Eduardo Schaerer was to have been appointed Intendente of Asuncion. All of these offices were held by the same persons under the provisional government established by the revolution of 1908, except Manuel Gondra, who was Minister of Foreign Relations.

During the provisional government Colonel Jara had been the dominant personality. * * * When Mr. Gondra became President it was understood that Colonel Jara was to leave the country on some foreign mission, taking the portfolio of Minister of War until such mission should be decided upon. Whether he had acquiesced in that arrangement is not clear, but he persisted in holding the ministry of war, and upon that issue his relations with the rest of the ministry were strained to the breaking point.

A crisis was reached upon the question of the appointment of a chief of artillery. The Minister of War holding out against the President, the latter ordered his arrest, upon what technical charge I have not been able to ascertain. Colonel Jara took refuge in the artillery barracks, and on the 17th of January [1911] used that arm of the military service to obtain control of the police department. This placed at his disposal the 600 or 700 force of armed and drilled police of Asuncion. He then demanded the dismissal of Mr. Riquelme, the Minister of Interior. In order to save bloodshed the President and Vice President resigned.

Colonel Jara was elected Provisional President January 18 [1911] by the Senate and Chamber of Deputies, securing the attendance of a quorum of those bodies with the greatest difficulty. A ministry was appointed, and the Provisional President attempted to form a new party, but was not able to detach any of the leading men from their former political affiliations. Colonel Jara's position became continually more isolated, there being a succession of resignations of both civil and military officials, besides the arrest and deportation of many army officers. Congress made an effort to assert its authority by ordering inquiries into the deportation of army officers, and an investigation into the conduct of the ministry of war and marine when in charge of Colonel Jara. After that there were no more quorums of Congress.

INSURRECTION AND ITS SUPPRESSION.

On the 21st of February [1911] the disaffection came to a head in Concepcion, the second city in Paraguay, situated on the Paraguay River, about 182 miles north of Asuncion. News of this reached Asuncion February 28, when it was reported that the garrison at that place had revolted and was supported by the people of the city. On the same day news was received that an insurrection was gathering in the southeastern part of the country, northwest of the Paraná River, indefinitely and locally known as the "Misiones." Mr. Riquelme was at the head of the insurrection in Concepcion; Mr. Schaerer was somewhere in the south; Mr. Gondra had retired to a small place south of Asuncion; and Mr. Gaona was in Buenos Aires. * * * An expedition was organized to proceed against Concepcion. In fitting out this expedition three Argentine merchant vessels were seized. In resorting to this measure the Paraguayan Government asserted the right, under stress of circumstances endangering its existence, to avail itself of foreign vessels found in its ports. It admitted the right of the owners to compensation, but neither the terms nor the security of such compensation were settled at the time of the seizure. The Argentine Chargé d'Affaires protested, and was hindered from communicating with his Government, it being necessary for him to go to Formosa, the nearest Argentine port, to do so. Preparations continued for the expedition against Concepcion, but the insurrectos in the meantime were proceeding southward from Concepcion. * * * On the 3d of March the expedition for the north was to have made another start, but as it was about to leave, the orders were again countermanded. By that time the insurrectos from Concepcion had proceeded more than half way from Concepcion to Asuncion. March 7 a battle took place near Yuty, between a force of 2,000 Government troops and 800 insurrectos; the former being victorious. * * * March 8 three Argentine naval vessels arrived at Asuncion. On the 9th of March a small river naval vessel of Brazil, the *Sampio*, which had been stationed in the upper Paraguay River, arrived at Asuncion, escorting two Brazilian merchant vessels. The *Pernambuco*, a Brizilian monitor, has been in this port for several months, Asuncion being a naval station of Brazil. With these vessels came the information that about 25 miles north of Asuncion there was an insurrecto force of 16 boats, among them some Argentine vessels forced into service by the insurrectos.

At about this date it was reported that a force of insurrectos numbering one or two thousand men occupied the territory a few miles from Asuncion. To oppose this force the troops were hurried back from Yuty, and under the personal command of Colonel Jara the insurrectos were forced northward, up the river. The principal fighting took place March 12. On the following day Colonel Jara returned to Asuncion and started north by river with a force to cooperate with the Government troops on land. In a week the Government forces returned to Asuncion, having defeated the insurrectos, March 17. Mr. Riquelme was taken prisoner. Afterwards he was taken out and shot. Eleven other prisoners were disposed of in the same way. It is reported that all the wounded insurrectos left on the field were killed. I have made careful inquiry on this point and am satisfied that it is true. * * *

No information whatever had been published except what was favorable to the Government, whose policy was to make light of the insurrection. * * * The return of the expedition was considered as the end of the insurrection, but martial law was then declared for six months and troops were sent to the "Misiones" to prevent the gathering of insurrectos in that part of the Republic.

GENERAL EFFECTS.

Certain effects of the insurrection may be noted even at this early date. The three political parties of Paraguay are all out of office and, as far as there is any public opinion in the country, the bulk of the country population is hostile to the Government. No one considers the country at rest. At the opening of Congress on the first of April, an event always conducted with great formality, presided over by the President and attended by officers of state, representatives of foreign powers, and prominent citizens friendly to the Government, there were only ten members of Congress present, out of a total of about forty. There was also almost an entire absence of prominent Paraguayans.

Unlike revolutions in Argentina and Uruguay, all business stops when there is such a disturbance in Paraguay. Furthermore, on account of the condition of unrest now prevailing, orders for foreign goods are placed in Buenos Aires and Montevideo, where they may be small and quickly filled, instead of buying in more remote countries. Argentina, Brazil and Uruguay have considered it necessary to send nine war vessels here, besides three previously kept in these waters by Brazil. The Paraguayan navy consists of two old nondescript boats of small size; probably having been converted from their original purposes. Talk of guaranteeing the peace of this country by some outside power has become quite common among commercial classes of Asuncion. * * *

Although the Government means little to the mass of people but an agency for sending out recruiting and foraging parties, there is a loyalty for Paraguay among them which is almost fanatical. Reports that might tend to reflect unfavorably on their country are deeply resented. Even those who have suffered from the oppression of their leaders, or rather masters, are reluctant to give information of a bad state of affairs.

CORNELIUS FERRIS, JR.

File No. 834.00/105.

The American Minister to the Secretary of State.

No. 40, Paraguay.]

AMERICAN LEGATION,
Montevideo, July 6, 1911.

SIR: I have the honor of transmitting copy of a letter received today from Consul Ferris at Asuncion, giving the latest political events in Paraguay.

I have [etc.]

EDWIN V. MORGAN.

[Inclosure.—Extract.]

The American Consul at Asuncion to the American Minister to Uruguay.

AMERICAN CONSULATE,
Asuncion, July 1, 1911.

DEAR MR. MORGAN: It is not easy to give you a definite account of the political situation as it has developed within the last few days, as resignations and arrests are occurring faster than one can keep posted about them, and reports of all kinds are very numerous and uncertain. The feeling against the President [Jara] has steadily increased. He has alienated all the support which he had been able to draw to himself. * * * The streets are being patrolled to prevent people collecting. Orders have been issued by judicial officials against unauthorized acts ordered by the President, but there is no one to execute such judicial orders. * * * There is a complete deadlock between the President and Congress. * * * Practically the Government is falling to pieces. Everyone expects an outbreak here in the city at any moment. The President has the support of the army, but without officers. They are all disaffected. With such a state of disorganization the situation is desperate enough. The Argentine gunboat stationed here will probably prevent extreme disorder, but security from that source is counterbalanced by the attitude of Brazil. You may recall Mr. Duval's statement to me that his Government would expect an equal influence. They still have a monitor and cruiser in this port. I believe I wrote you that the Argentine commander had orders to close this port in case matters became very bad. The telegraph service can not be relied upon for quick communication. For six months past it has taken four days to send a message to Buenos Aires. La Prensa will probably keep you better posted than I can, though I shall do my best.

CORNELIUS FERRIS, JR.

File No. 834.00/104.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Montevideo, July 8, 1911.

President Jara was arrested July 5, but newspapers assert that he arranged for this himself as the only way safely to leave the country. A provisional government will be formed.

TURNER.

File No. 834.00/107.

No. 41, Paraguay.]

AMERICAN LEGATION,
Montevideo, July 20, 1911.

SIR: Referring to my cablegram on the subject of the overthrow of President Jara and the establishment of a provisional government in Paraguay, I have the honor to enclose copy of a letter from the consul at Asuncion, reporting a coup d'état which occurred in that place on the 14th inst.

The opinion of Consul Ferris that the men now in control of the Paraguayan Government have the support of the best interests of the country, is shared by the British Chargé d'Affaires at Asuncion, whose reports to his superior at Buenos Aires I have seen.

I have [etc.]

C. TURNER.

[Inclosure.]

The American Consul at Asuncion to the American Minister.

AMERICAN CONSULATE,
Asuncion, July 15, 1911.

DEAR MR. MORGAN: I have the honor to report that there has been an overthrow of the ministry in this country, by a coup d'état which occurred yesterday. I have not been able to learn the full details. The Minister of War, Cipriano Ibáñez, who was the principal actor in taking the former Provisional President prisoner, was himself locked up, and the present Provisional President formed a new cabinet in part. The only new ministers settled upon are Col. Chirife, Minister of War (his full name I do not know), and Dr. Geronimo Zubizarreta, Minister of Finance.

The controlling elements in this movement are of the Liberal-Radical Party, or Gondrists, having adhered to the President who was forced out of office by Col. Jara last January.

The object of the coup d'état yesterday was to prevent the return of Jara, which was understood to be the design of the parties who removed him and who remained in power.

Although the situation is not considered at rest, the men now in control have the support of the best interests in the community. I shall inform you further when the Ministry is completed.

CORNELIUS FERRIS, Jr.

File No. 834.00/108.

The American Chargé d'Affaires to the Secretary of State.

No. 42, Paraguay.]

AMERICAN LEGATION,
Montevideo, August 8, 1911.

SIR: I have the honor to enclose copy of a despatch received from the consul at Asuncion relative to the condition of affairs in Paraguay. As the Department will perceive, Consul Ferris does not venture to make any prediction regarding the turn which events may take in the future.

The newspapers of Montevideo and Buenos Aires usually contain telegrams from Asuncion, but the state of affairs in Paraguay appears so confused that, having no knowledge of that country at first hand, I do not feel competent to do otherwise than transmit the reports sent me by Consul Ferris without comment.

I have [etc.]

A. CAMPBELL TURNER.

[Inclosure.]

The American Consul at Asuncion to the American Chargé d'Affaires.

AMERICAN CONSULATE,
Asuncion, August 2, 1911.

SIR: I have to report that on the 31st ultimo certain army officers attempted to coerce the Provisional President to complete the formation of a ministry favorable to the Liberal Party, and to reincorporate into the army certain officers who had taken part in the last revolution against the Government. The attempt did not succeed as planned, but just how it was frustrated I am not able to state. Troops were posted in the different parts of the city and the police force is concentrated in its headquarters. The situation is still unsettled.

An interesting feature of the situation is the action of the Argentine and Brazilian diplomatic representatives, who tendered their good offices to harmonize the diverse political elements, but who said that in case of fighting in the streets, forces would be landed from the naval vessels of those two countries to preserve order.

I have not sent this information by telegraph on account of the telegraphic service being so unreliable, and because political changes are so frequent that they seem to me not important enough to telegraph. Furthermore it is very difficult to obtain information that is definite and reliable.

Very respectfully yours,

CORNELIUS FERRIS.

File No. 834.00/107.

The Acting Secretary of State to the American Chargé d'Affaires.

No. 6, Paraguay.]

DEPARTMENT OF STATE,
Washington, August 24, 1911.

SIR: The Department acknowledges the receipt of your despatch No. 41 of the 20th ultimo, enclosing copy of a letter from the consul at Asuncion reporting that a coup d'état took place at Asuncion on July 14.

The information which has been furnished the Department on the subject of the governmental changes in Paraguay by the consul at Asuncion and the Legation is of a very insufficient character and does not even make clear who succeeded President Jara as Provisional President of Paraguay.

You are therefore instructed to obtain from the consul at Asuncion, for transmission to the Department, a full and detailed report upon the events that have taken place in Paraguay since the recent fall of President Jara, indicating as clearly as possible the various elements of which the several administrations have been composed.

I am [etc.]

HUNTINGTON WILSON.

File No. 834.00/109.

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Montevideo, October 5, 1911.

The Congress confirmed Liberato Rojas as Provisional President for the entire new electoral term. The formality of an election was dispensed with. Dr. Carlos Isasi is Minister for Foreign Affairs.

GREVSTAD.

File No. 834.00/113.

AMERICAN LEGATION,
Asuncion, November 7, 1911.

Critical situation, owing to return of Jara.

GREVSTAD.

File No. 834.00/115.

AMERICAN LEGATION,
Montevideo, November 23, 1911.

Another customary revolution is on, led by Gondra and Schaerer, who, in Europe, have secured two small vessels, rifles, artillery, ammunition. Jara is believed to be with the Government.

GREVSTAD.

File No. 834.00/120.

The American Minister to the Secretary of State.

[Extract.]

No. 6, Paraguay.] AMERICAN LEGATION,
Montevideo, November 24, 1911.

SIR: Confirming my cablegram of yesterday, I have the honor to report that Paraguay is now in the throes of another revolution.

As stated in cables from Asuncion, an uprising against the Government of President Liberato M. Rojas has been expected for several weeks, in fact ever since his introduction into office. * * * The only question was which party would get into the field against the administration first—the Liberals (Cívicos) or the Radicals (Colorados). * * *

During my stay in Asuncion, Colonel Jara, who was supposed to be on his way to Europe, suddenly turned up in the city. Nothing definite could be learned as to the real purpose of his sensational visit.

The prevailing opinion seemed to be that he came at the invitation of President Rojas. He kept in close seclusion during his stay in Asuncion, and his going, if he did go, was as secret as his coming.

As reported by my cable of yesterday, the uprising is now on. It is led by former President Manuel Gondra, Eduardo Schaerer and Dr. Jose R. Montero, all well-known Colorado leaders. Señor Gondra was thrown out of the presidency by Jara a few months ago. Schaerer, a native of German extraction, is the strong man of the triumvirate, and likely to be made president if the movement succeeds. * * *

Colonel Jara is still strong with the "army" of Paraguay. If he, as reported and believed in some quarters, has joined hands with President Rojas and has assumed, or should assume, command of the military forces of Paraguay, some blood may be shed before the issue is finally decided one way or the other. * * *

I have [etc.]

Nicolay A. Grevstad.

File No. 834.00/117.

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

American Legation,
Montevideo, December 5, 1911.

Paraguayan Government charges Argentine support of revolution; Brazil and Uruguay in sympathy with the Government. Revolution apparently halted.

Grevstad.

File No. 834.00/118.

American Legation,
Montevideo, December 12, 1911.

At the request of the Diplomatic Corps, the Argentine and Brazilian naval commanders at Asuncion have forbidden revolutionist war vessels to shell the city and unfortified places. Brazil will send more war vessels.

Grevstad.

File No. 834.00/124.

No. 12, Paraguay.]

American Legation,
Montevideo, December 20, 1911.

Sir: Referring to your instructions, No. 6, to Mr. Turner, of August 24, 1911, I have the honor to enclose a statement showing the presidential succession in Paraguay from 1870 down to the present time. As will be seen, the record is marred by irregularities and violence. Since 1904 the country has been in a perpetual unrest, with a revolution either brewing or in full blast.

I have [etc.]

Nicolay A. Grevstad.

[Inclosure.]

List of Presidents of Paraguay, 1870–1911.

AMERICAN LEGATION,
Montevideo, *December 20. 1911.*

After the disastrous war against the triple alliance (Argentina, Brazil and Uruguay) in 1870, Paraguay was reorganized by a committee of leading citizens which assumed the powers of a constitutional convention. The constitution was framed and was promulgated on the 24th of November, 1870. This organic law has not been changed since, and is still in force, if not enforced. As in other South American republics, the president is elected by Congress, for a term of four years.

The record of the presidential succession from 1870 down to date is as follows:

(1) Don Cirilo Antonio Rivarola, who had acted as provisional executive during the greater part of the past two years, was elected the first constitutional president of the Republic upon the promulgation of the organic law in November, 1870, with Salvador Jovellanos as vice president. After about two years of service he was induced to resign, with the understanding that his resignation would not be accepted. However, it was accepted very promptly, and Rivarola had to leave the country to save his life. He was succeeded by the vice president,

(2) Salvador Jovellanos, who completed the presidential term.

(3) Juan Bautista Gill succeeded Jovellanos in 1874, but was assassinated in the streets of Asuncion in 1877 by one Nicanor, a brother of Juan Silvano Godoy, just returned from Rio Janeiro, where he had served as minister for a short time. The term was completed by the vice president,

(4) Higinio Uriarte, who served about a year.

(5) Cándido Bareiro succeeded Uriarte in November, 1878, and died a natural death within twelve months. The vice president was arrested and compelled to resign. About this time, the first president, Rivarola, returned from his exile, but was assassinated in the streets of the city in 1879, a few minutes after he had left the president's house.

(6) Juan Bernardino Caballero took the reins of government which he held until the term was completed.

(7) Juan Caballero was duly elected president for the ensuing term, and was succeeded by

(8) Juan Patricio Escobar in 1886. His successor was

(9) Juan G. González, who was elected in 1890, but was deposed after three years of service. His term was completed by vice president

(10) Marcus Moringo.

(11) Juan Bautistá Egusquiza was elected president in November, 1894, and served out his term. He was succeeded in 1898 by

(12) Emilio Aceval, who did not complete his term. He was succeeded by the vice president,

(13) Hector Carvallo in the spring of 1902; in November, 1902,

(14) Col. Escuira was elected president but was deposed after two years, as a result of successful revolution headed by

(15) Dr. Benigno Ferreyra, who served four years as president.

From Gill to Escuira, a period of 30 years, the Colorado or Radical party was in power. Dr. Ferreyra and the Civicos, or so-called "Liberal" party, then took the reins of government. They were turned out after four years, however. In 1908 the Radicals started a revolution, which succeeded, and

(16) González Navero was elected president. He held office until 1910, when

(17) Manuel Gondra, Radical, was elected on November 25 of that year. He remained in power but a few months, until January 18, 1911, when he was forced to resign by

(18) Col. Albino Jara, a political adventurer, belonging to no party, who was elected by Congress to succeed Gondra. Within a couple of months a revolution was started to overthrow Jara. He was victorious in the field, yet he found his position untenable and was forced to resign in July of this year.

(19) Liberato M. Rojas was elected to succeed Jara. He is supposed to be a Civico, but is by many held to be a Jarista, or follower of Jara.

During the last days of November, a revolution against Rojas broke out, headed by Manuel Gondra, Navero, and other Radicals, in combination with some leading men of the Civico party.

NICOLAY A. GREVSTAD.

File No. 834.00/119.

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Montevideo, December 21, 1911.

Isasi resigns from Foreign Office, succeeded by Irala. Four Brazilian war vessels left Montevideo yesterday for Asuncion. Argentina also strengthens her fleet. Brazil for, Argentina against the Government.

GREVSTAD.

File No. 834.00/123.

AMERICAN LEGATION,
Montevideo, January 15, 1912.

Government overthrown January 14; President Rojas, Cabinet and leaders arrested.

GREVSTAD.

File No. 834.00/133.

The American Minister to the Secretary of State.

[Extract.]

No. 26, Paraguay.]

AMERICAN LEGATION,
Montevideo, March 8, 1912.

SIR: I have the honor to report that the Provisional President of Paraguay, Liberato M. Rojas, was taken prisoner by two army officers, Garay and Goiburu (Colorados), on the night of February 28, and forced to resign. On February 29, the resignation was accepted by Congress, and Dr. Pedro Peña elected to succeed Rojas as Provisional President. Consul Ferris reports that the election was dictated by Garay, supported by twenty soldiers stationed in the Hall of Congress, and thirty more in other parts of the buiding. The new Cabinet is made up as follows:

Minister of Foreign Relations, Fulgencio R. Moreno.
Minister of the Interior, Dr. E. Lopez Moreira.
Minister of War and Marine, Major Eugenio Garay.
Minister of Treasury, Dr. Higinio Arbe.
Minister of Justice, etc., Dr. Rogelio Urizar.

All of them are Colorados, except the Ministers of Treasury and Justice, who are Cívicos.

In a note of March 1, the new Minister of Foreign Relations informs the Legation of the change of government, and adds that it will be his ernest desire to maintain and develop the friendly relations that happily exist between his country and "the noble nation of the United States."

* * * Colonel Jara has evacuated Humaitá, and is endeavoring to unite under his command several scattered detachments in the southern part of the country for a march upon Asuncion from the south and southeast. It looks like a race between the two old enemies,

Gondra and Jara, for the capture of the capital. Whichever may win will probably have to face the other in open revolution.

Meanwhile, famine and starvation are threatening the people of the unfortunate city. Committees of prominent men and women have made efforts to bring about a peaceful solution of the unseemly struggle, but without success.

Lately, there have been suggestions, more or less official, of intervention by Argentina, Brazil and Uruguay, to end the anarchy and the misery, but as far as known, nothing definite has been agreed upon thus far. * * *

I have [etc.]

NICOLAY A. GREVSTAD.

File No. 834.00/129.

The American Minister to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Montevideo, March 25, 1912.

New provisional revolutionary President is Navero. Jara believed to be marching on Asuncion, now held by revolutionists.

GREVSTAD.

File No. 834.00/132.

AMERICAN LEGATION,
Montevideo, April 2, 1912.

Diplomatic Corps recognize new provisional Government, except Brazilian Minister, awaiting instructions. I believe our Government should recognize the new Government.

GREVSTAD.

File No. 834.00/132.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 3, 1912.

The Department is withholding judgment in view of renewed political disturbances.

WILSON.

File No. 834.00/137.

The American Chargé d'Affaires to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Montevideo, May 17, 1912.

Jara died May 15.

PENNOYER.

File No. 834.00/140.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 84, Paraguay.]

AMERICAN LEGATION,
Montevideo, May 30, 1912.

SIR: I have the honor to enclose a report of Consul Ferris, at Asuncion, Paraguay, dated May 18, regarding the political conditions in that country up to that date. * * *

The question of the choice of the presidential candidate, however, may lead to some difficulty; there are four names suggested, not counting that of the Provisional President, Señor Gonzales Navero. These four are: Señores Gondra, Schaerer, Franco and Velásquez. According to reports received from Buenos Aires, Gondra, who was president in 1910 and later overthrown by Jara, had refused the nomination, though it appears that were he to accept he might count upon more unanimous support than any other candidate. Señor Schaerer is the capitalists' candidate, and is fairly popular with the army and lower orders. Most of the intelligent elements of the people, however, oppose him. This is especially true of the university element. If Señor Gondra is not to accept, they have their own candidate in the person of Dr. Franco, of the law faculty, and a man of some ability. The fourth candidate suggested is Dr. Velásquez, a scientist of note in Paraguay, and a man who it seems has aroused no distinct antagonism among the voting elements. * * *

I have [etc.]

RICHARD E. PENNOYER.

[Inclosure.]

The American Consul at Asuncion to the American Chargé d'Affaires at Montevideo.

AMERICAN CONSULATE,
Asuncion, May 13, 1912.

DEAR MR. PENNOYER: I have to report that at 2 o'clock in the morning of the 11th instant Colonel Jara with his entire force consisting of 1,600 to 2,000 revolutionists attacked a force of about 4,000 Government troops at Paraguari. The revolutionists were completely defeated. According to information which I considered reliable in the main, about 900 were killed and died of wounds on both sides. Colonel Jara was mortally wounded and is either prisoner or dying at a house in the country where he had taken refuge. All of his leading officers but one or two were killed.

This brings to a definite conclusion the period of internal warfare which began in January, 1911, when Jara overthrew the Radical party then in power, by a coup d'etat. As before reported, that party returned to power March 22, last, when it gained a victory over the Colorado party, which had succeeded the Jaristas. Since that date the Provisional Government of the Radicals has been engaged in suppressing the Jara insurrection, with which the Civico party had become identified. The elimination of Jara and the overthrow of the Colorados and Civicos leaves the present Provisional Government in undisputed control of the whole country. I believe that the leaders of the party in power will act without conflicting ambitions and will maintain order in this country. The attention and energies of the people, whch have been entirely distracted for the past 18 months, can now be expected to follow commercial lines.

Yours very respectfully,

CORNELIUS FERRIS, JR.

File No. 834.00/141.

The American Chargé d'Affaires to the Secretary of State.

[Extract.]

No. 36, Paraguay.]

AMERICAN LEGATION,
Montevideo, July 26, 1912.

SIR: Complying with the Department's instruction No. 7, Paraguay Series, of June 3, 1912,[1] I have the honor of submitting the following report upon the internal condition of Paraguay.

The Legation finds itself limited in the getting of information. Such as is contained in the press telegrams is often contradictory and meagre of detail. On the whole, however, the situation has improved.

Señor Schaerer, noted in my despatch of May 30, 1912 (Paraguayan Series 34) as being among the presidential possibilities, has been unanimously chosen by the Electoral College as President, in spite of the supposed opposition to him of the more intelligent vote. (See despatch referred to). The Vice President chosen is Señor Pedro Bobadilla.

The action of the Electoral College has, it appears, been upheld in both these elections by the opinion in the Provinces, through which Señor Schaerer has recently made a long trip on which he was enthusiastically welcomed. * * *

Several of the late telegrams deal with the personnel of the new Government. The Cabinet officers are given as follows:

Interior: Señor José Montero.
Public Industries: Señor Paiva.
Finance: Señor Zubizarreta.
War: Señor Gondra.
Foreign Affairs: Señor Ayala.

The President of the Assembly is Dr. Haeda. [Other appointments.]

The new Paraguayan Chamber is to meet on Tuesdays, Thursdays, and Saturdays and a bill of some importance, in view of one or two American claims which Mr. Ferris notifies me are now on file at the Consulate in Asuncion, has recently been introduced providing for the creation of a special commission to sit upon the claims of damages arising from the war.

* * * The most serious matter in Paraguay at the present moment appears to be the condition of the finances. The Minister of Finance announces a deficit of $22,000,000 paraguayan on the budgets of 1910, 1911, and the first quarter of 1912. This amount must be provided for in addition to a total of $5,000,000 for back salaries, an item which would seem to show that the internal peace of Paraguay is largely a question of finance.

I have [etc.]

RICHARD E. PENNOYER.

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[1] Not printed.

File No. 834.001 Sch 1/1.

The Minister for Foreign Affairs to the Secretary of State.

No. 450.] MINISTRY OF FOREIGN RELATIONS,
Asunción, August 17, 1912.

MR. MINISTER: I have the honor to enclose, with the customary copy, the autograph letter from His Excellency the President of the Republic, Don Eduardo Schaerer, to His Excellency the President of the United States of North America, informing him of his inauguration.

I beg you to be good enough to have the letter reach its high destination, and

I am [etc.]

J. MONTERO.

[Inclosure.—Translation.]

The President of Paraguay to the President.

To His Excellency the President of the Republic of the United States of North America, General William Howard Taft.

GREAT AND GOOD FRIEND: I have the honor to inform Your Excellency that, called by the free vote of my fellow citizens, I have this day assumed the Chief Magistracy of the Republic, before the Honorable Congress of the Nation, thus inaugurating the constitutional term of my Government.

In so informing Your Excellency I take pleasure in adding that one of the principal solicitudes of my Government will be to maintain and, if possible, draw closer, the cordial relations that happily unite the Republic of Paraguay to the Nation whose affairs are directed by Your Excellency.

I am glad to take this occasion to express to you my sincere desire for the prosperity of the North American Nation and for the personal happiness of Your Excellency, and at the same time I assure you of my highest consideration and particular esteem.

EDUARDO SCHAERER.

JOSÉ P. MONTERO.

ASUNCION, CAPITAL OF THE REPUBLIC OF PARAGUAY,
August 15, 1912.

File No. 834.001 Sch 1/1.

The Secretary of State to the Minister for Foreign Affairs.

DEPARTMENT OF STATE,
Washington, November 29, 1912.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 17th of August last, enclosing a letter, with office copy, addressed to the President of the United States by His Excellency Señor Don Eduardo Schaerer, announcing his elevation to the Chief Magistracy of Paraguay.

His Excellency's letter has been laid before the President, whose reply will be delivered to its high destination through the American Legation at Montevideo.

Accept [etc.]

P. C. KNOX.

File No. 834.001 Sch 1/1.

The Secretary of State to the American Chargé d'Affaires.

No. 12 Paraguay.]

DEPARTMENT OF STATE,
Washington, December 17, 1912.

SIR: I enclose with office copy a letter addressed by the President to His Excellency Eduardo Schaerer, acknowledging His Excellency's letter of August 15 last in which he announced his election to the Chief Magistracy of the Republic of Paraguay, and his entrance upon the duties of the office.

You will forward the copy to the Foreign Office and deliver the original in the manner most agreeable to His Excellency.

I am [etc.]

P. C. KNOX.

[Inclosure.]

The President to the President of Paraguay.

To His Excellency, Eduardo Schaerer, President of the Republic of Paraguay.

GREAT AND GOOD FRIEND: I have received the letter of the 15th of August last, in which Your Excellency announced your election to the Chief Magistracy of the Republic of Paraguay, and your entrance upon the duties of the office.

I cordially reciprocate the sentiments you express for the continuance of the friendly relations which have heretofore existed between the United States and Paraguay, and I assure Your Excellency of my best wishes for your personal welfare and for the prosperity of the Republic over which you have been called upon to preside.

Your Good Friend,

WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.
WASHINGTON, *December 4, 1912.*

PERU.

SETTLEMENT OF BOUNDARY DISPUTE BETWEEN BOLIVIA AND PERU.[1]

File No. 723.2415/172.

The Minister of Peru to the Acting Secretary of State.

PERUVIAN LEGATION,
Washington, May 8, 1912.

SIR: I have the honor to inform you that a cable despatch from my Government, dated the 6th instant, advises the Legation that a protocol was signed at La Paz whereby the special commissions appointed to mark out the boundaries between Peru and Bolivia were empowered to establish the confines between the rivers Heath and Naverija. As the commissions have agreed upon the entire line of the said boundary, the frontier question between Peru and Bolivia is definitely settled; and this unfortunate cause of friction has been finally eliminated, in accordance with the policy of international peace and good will constantly pursued by my Government.

Accept [etc.]

F. A. PEZET.

File No. 723.2415/172.

The Acting Secretary of State to the Minister of Peru.

No. 4.]

DEPARTMENT OF STATE,
Washington, May 13, 1912.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant communicating the gratifying information that a protocol was signed at La Paz whereby the special commissions to mark out the boundaries between Peru and Bolivia were empowered to establish the confines between the rivers Heath and Naverija, and that the commissions have already agreed upon the entire line of the said boundary.

The fact that the Governments of Peru and Bolivia have thus peacefully settled this difficulty, thereby removing a cause of friction between one another, and giving to the world a fresh proof of a cordial love of peace, is very gratifying to this Government.

Please be so good as to communicate to the President of Peru the congratulations of the President of the United States.

Accept [etc.]

HUNTINGTON WILSON.

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[1] See For. Rel., 1909, pp. 502–507.

SANITATION OF IQUITOS. EMPLOYMENT OF AMERICAN ENGINEERS; GOOD OFFICES OF THE UNITED STATES.

File No. 823.124/3.

The American Consul at Pará, Brazil, to the Secretary of State.

[Extract.]

No. 146.]

AMERICAN CONSULATE,
Pará, March 29, 1912.

SIR: I have the honor to transmit copy of an official communication[1] received from the President of the Commercial Association of Iquitos, Peru, advising that the Peruvian Government has authorized the issue of a loan for 200,000 pounds, Peruvian, the proceeds of which loan is to be employed in providing the city of Iquitos with a new and more modern system of sewerage. The city of Iquitos is estimated to have at the present time a population of about 7,000 persons and it is situated at the head of the Amazon River traffic, being some 2,100 miles from Pará, Brazil. It occupies a very important traffic position, being the base of supplies for an immense surrounding territory, the inhabitants of which depend upon outside sources for a very large portion of their supplies. The accompanying statements[1] will give a fair idea of the income of the central Government and movement of shipping at this port. Unfortunately my correspondent failed to give the name of the department of the supreme Government in Lima to which intending bidders should apply for more detailed and particular information, but I have no doubt that a communication to the consul at that place will secure what is wanted. I also note that he is not clear as to whether this loan is to be given out by the Peruvian Government or the authorities of the city of Iquitos.

I have [etc.]

GEO. H. PICKERELL.

File No. 823.124/2.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Lima, April 12, 1912.

I am asked by the President to request the Department to recommend some one to undertake the sanitation of Iquitos: a work kindred to that of Colonel Gorgas in the Canal Zone.

HOWARD.

File No. 823.124/2.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 18, 1912.

Although the Department will be glad to assist Peru in selecting a suitable expert, it desires to be able to assure the man recommended that he will be given such full authority as will permit him to make his work thorough and effective.

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[1] Not printed.

KNOX.

File No. 823.124/4.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Lima, April 23, 1912.

Full power will be given the expert by means of a contract to continue until the work is finished.

HOWARD.

File No. 823.124/4.

The Secretary of State to the Secretary of the Treasury.[1]

DEPARTMENT OF STATE,
Washington, April 24, 1912.

SIR: The Government of Peru has been authorized by the Congress of that country to contract a loan of 200,000 pounds for the sanitation of Iquitos. The Department is now informed by the American Minister at Lima that the President of Peru requests this Government to recommend a sanitation expert for the carrying out of this work. In reply to an inquiry as to the authority which will be given to such an expert the Minister telegraphs that the President of Peru will invest the expert with as full authority as the law authorizing this work will permit him to confer, and that the services of the expert will be contracted for until the completion of the work.

I therefore have the honor to request that you will be so good as to recommend, at your earliest convenience, with the advice of the Surgeon General of the Public Health and Marine Hospital Service, one or more men whom you believe to be well fitted for this important position. It is presumed that a knowledge of Spanish on the part of the person finally recommended will be required.

With the view to learning from the War Department of a possible candidate for this position, a similar letter is being sent to the Secretary of War.

I have [etc.]

P. C. KNOX.

File No. 823.124/6.

The Acting Secretary of State to the Secretary of the Treasury.[1]

DEPARTMENT OF STATE,
Washington, May 4, 1912.

SIR: With reference to recent correspondence on the subject of an American sanitary expert for the sanitation of Iquitos, Peru, I have the honor to inform you that the Legation at Lima telegraphs under date of the 3d instant that the President of Peru confides in the good faith of any expert this Government might recommend as to the duration and terms of his employment, and that he authorizes the offer of a salary of seventy-five pounds sterling per month, or as much as one hundred pounds. The Legation adds that if this offer should be considered insufficient the President of Peru would consider a counter proposal.

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[1] Mutatis mutandis, to the Secretary of War.

I have [etc.]

HUNTINGTON WILSON.

File No. 823.124/10.

The Acting Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, May 18, 1912.

SIR: I have the honor to refer to your letters of April 24 and May 4, 1912, relative to the request made by the President of Peru [etc.]

The Department is informed by the Surgeon General of the Public Health and Marine Hospital Service that Acting Assistant Surgeon G. M. Converse of that Service is professionally qualified for this duty, speaks the Spanish language, and is available for the said duty. Dr. Converse is willing to accept the position on the following terms:

1. His traveling expenses to and from Iquitos to be paid by the Peruvian Government.
2. His traveling expenses while engaged in this sanitary work to be paid by the Peruvian Government.
3. His compensation to be 100 pounds sterling a month.
4. The tenure of office to be fixed at no less than two years.

In the event that the Peruvian Government decides to accept the services of the above-mentioned officer this Department will grant him the necessary leave of absence.

Respectfully,

J. CURTIS.

File No. 823.124/10.

The Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 21, 1912.

[Summary of the foregoing letter from the Acting Secretary of the Treasury.]

Three civilians have been recommended also, but have not yet been consulted as to their willingness to undertake the work.

KNOX.

File No. 823.124/10.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, May 21, 1912.

SIR: I have the honor to acknowledge, with thanks, the receipt of your letter of the 15th instant,[1] in which you inform the Department that Colonel Gorgas has been consulted regarding an expert to take charge of the sanitation of Iquitos, Peru, and recommends as suitable either of the following: Mr. J. A. Le Prince; Dr. M. E. Connor; Dr. Charles A. Hearne.

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[1] Not printed.

You add that each of these gentlemen has had much experience in tropical sanitation and can speak Spanish fluently but that you are not informed as to their willingness to accept the position in question

The Secretary of the Treasury has recommended very highly one of the assistant surgeons of the Public Health and Marine Hospital Service who has indicated his willingness to accept the position offered by the Peruvian Government. The Department has accordingly telegraphed this recommendation to the Legation at Lima and has added that your Department has also recommended three civilians now engaged in sanitation work on the Isthmus of Panama but that none of these three has as yet been approached as to his willingness to accept the Iquitos position.

Should the Peruvian Government request that either of the three gentlemen named in your letter be approached on this subject I shall communicate with you again.

I have [etc.]

P. C. KNOX.

File No. 823.124/11.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Lima, May 25, 1912.

The proposition of Acting Assistant Surgeon Converse has been accepted by the President. Papers will await him at Iquitos; it is desired that he proceed at once, via Amazon. Any remaining time after completion of Iquitos work will be employed elsewhere.

HOWARD.

File No. 823.124/11.

The Acting Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, May 27, 1912.

SIR: With reference to previous correspondence on the subject of a sanitation expert for Iquitos, I am glad to inform you that a telegram received from the American Minister at Lima states that the President accepts the proposition of Assistant Surgeon G. M. Converse, of the Public Health and Marine Hospital Service, adding that should the work at Iquitos be completed in less than two years the remaining time may be employed at some other point or points in Peru. The President of Peru desires Doctor Converse to proceed at once to Iquitos via the Amazon River and says he will find the necessary papers at Iquitos upon his arrival there.

In its telegram to the Minister at Lima the Department, after recommending Doctor Converse, said that he was willing to accept the position offered on the following terms: salary at one hundred pounds per month, term of office to be no less than two years, and traveling expenses to and from Iquitos and traveling expenses while engaged in this sanitary work to be paid by Peru. I insert this so that Doctor Converse may know what the President of Peru means when he says that he accepts the proposition and that if the work is completed in less than two years the remaining time may be employed elsewhere in Peru.

Please be so kind as to let me know when Doctor Converse will start and when he should arrive at Iquitos so that the Department may inform the Legation at Lima.

I have [etc.]

HUNTINGTON WILSON.

File No. 823.124/17.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Lima, August 15, 1912.

The President asks that the Department recommend to serve under Doctor Converse an engineer who has specialized in public water supply and sewerage construction and has had responsible charge of such work. He is wanted to supervise the design and construction of works at Iquitos. Preferably member of American Society of Civil Engineers; must be scrupulously honest.

HOWARD.

File No. 823.124/17.

The Acting Secretary of State to the American Minister.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 19, 1912.

Department is consulting War Department and American Society of Civil Engineers.

ADEE.

File No. 823.124/32.

The Acting Secretary of State to Samuel E. Bayless.

DEPARTMENT OF STATE,
Washington, October 4, 1912.

SIR: The Department understanding that you would be glad to obtain a position as engineer under one of the South American Governments, sent in your name to the Government of Peru, which had requested the Department to recommend a sanitary engineer to design and carry out sewerage and water-supply works for the town of Iquitos, cooperating with Doctor George M. Converse, of the Public Health and Marine Hospital Service, who has gone to Iquitos to take charge of sanitating that place.

The Legation at Lima on September 24 telegraphed to the Department saying that the President of Peru had signed a letter directed to you employing you as engineer for that work, and specifying that your salary would begin upon your departure from this country direct for Iquitos.

The Department therefore telephoned to your office in the Maltby Building, and upon being informed that you were at the Hotel Bexar, San Antonio, Texas, sent you a telegram as follows:

SEPTEMBER 25, 1912.

SAMUEL E. BAYLESS,
Hotel Bexar, San Antonio, Texas.

Upon Department's recommendation President of Peru has signed letter to you employing you as engineer to conduct sewerage and water-supply works at once in city of Iquitos, Peru. Salary £100 sterling per month to begin on departure direct for Iquitos. Department understands you would accept this position, and, if so, hopes you will be able to start at once. Further details here or by mail to whatever address you direct.

HUNTINGTON WILSON,
Acting Secretary of State.

According to the telegraph company there was some difficulty in delivering this telegram to you, but the Department was notified on September 28 that it had been delivered.

The department has received no reply from you and accordingly has telegraphed to you at the Hotel Bexar, San Antonio, to-day the following:

Please reply to Department's telegram of September 25, which telegraph company states was delivered.

There has already been considerable delay in this matter and it is incumbent upon the Department to arrange definitely for an engineer to go to Iquitos at once to assist Dr. Converse. Unless a reply is received from you within a reasonable time the Department will be forced to advice the Government of Peru accordingly and to recommend some other engineer in your stead.

As the Department would greatly regret such a step the favor of a reply is urgently requested.

I am [etc.]

(For Mr. Wilson),
ALVEY A. ADEE.

File No. 823.124/42.

The Acting Secretary of State to the American Minister.

[Extract.]

DEPARTMENT OF STATE,
Washington, November 1, 1912.

SIR: I have to enclose herewith, for transmission to the President of Peru, the letter of acceptance of Mr. Bayless.

Mr. Bayless informs the Department that a Mr. Keegan, one of the assistants in the Health Department of the city of Richmond, Virginia, has agreed to join him at Iquitos, sailing on November 15, and Mr. Keegan's letter of acceptance will be forwarded later.

I am [etc.]

ALVEY A. ADEE.

[Inclosure.—Translation.]

Mr. Bayless to the President of Peru.

WASHINGTON, *October 29, 1912.*

EXCELLENCY: I have the honor to acknowledge receipt of the courteous note of September 23, 1912, from His Excellency Señor A. B. Leguia, ex-President of the Republic, in which His Excellency is good enough to appoint me, jointly with Doctor George M. Converse, engineer for the sanitation of the city of Iquitos, Peru.

I am glad to inform you that I accept the position and that I shall leave New York for Iquitos on November fifth.

Very respectfully,

SAMUEL E. BAYLESS.

RUSSIA.

EXTENSION BY RUSSIA OF THE THREE-MILE LIMIT OF TERRITORIAL WATERS TO TWELVE MILES FOR CUSTOMS PURPOSES AND CONTROL OF FISHERIES.

File No. 861.0145.

The Russian Embassy to the Department of State.

[Memorandum.]

The British Government contend that a law recently promulgated in Russia and subjecting to the Russian customs regulations the waters of the sea within 12 nautical miles from the Russian shores, is contrary to the principles of international law.

Sections 2760, 2867 and 3067 of the Revised Statutes of the United States provide for a zone of 4 leagues (equal to 12 miles) within which the authority of the United States customs officers is exercised.

In view of the above-stated contention of the British Government, the Imperian Russian Foreign Office is anxious to learn whether the British Government have ever protested against the enactment of the American law, either when it was originally passed or at a later date, and what was the nature of the reply offered by the United States to such a protest.

Imperial Russian Embassy,
Washington, April 12, 1910.

File No. 861.0145.

The Department of State to the Russian Embassy.

[Memorandum.]

Referring to the inquiry contained in the memorandum of the Russian Embassy of the 12th instant, in connection with the subject of the Russian law assuming, for customs purposes, a jurisdiction of twelve nautical miles from the coasts, it may be stated that there is no record of any protest having been made at any time by Great Britain against the enactment of sections 2760, 2867 and 3067 of the Revised Statutes of the United States providing for a zone of four leagues from the coast within which the authority of the United States customs officers is exercised.

Department of State,
Washington, April 18, 1910.

File No. 861.0145/2.

The American Ambassador to the Secretary of State.

No. 363.]

American Embassy,
St. Petersburg, September 30, 1910.

Sir: I have the honor to transmit herewith a copy and translation of a law approved by the Emperor December 10/23, 1909, and promulgated January 1/14 last, whereby the area of supervision by the Russian customs authorities is extended to twelve marine miles from low-water mark.

I learn from the British Embassy that shortly after the promulgation of this law, the British Government gave notice that with reference to this question it reserved the rights of its subjects as fixed by international usage. The Russian Government replied that, in the absence of treaty provisions to the contrary, the determination of the limits to which customs supervision could be extended was a question not of international usage but of domestic regulation; and it instanced similar enactments of other Powers, including the United States (presumably referring to section 2760 of the Revised Statutes, quoted in Moore's Digest, I, 725, § 151); and it asked for a more precise statement of the rights which the British Government had declared its intention of reserving. The British Government thereupon expressed its unwillingness to acquiesce under any circumstances in a claim to jurisdiction over marginal seas beyond the generally recognized three-mile limit. To this expression of views the Russian Government has not yet replied.

I am informed from the same source that, notwithstanding some misleading comment published at the time, the recent seizure of the British steamer *Onward* (as to which a Russian official communiqué was transmitted in this Embassy's No. 277 of July 20 last) did not involve the question raised by this law: the *Onward* was seized on the charge of fishing within Russian territorial waters; but she was voluntarily released by the Russian Government upon its appearing that when arrested she was, though perhaps within twelve miles of a line from headland to headland of the White Sea, at a distance of more than twelve miles from the shore. The case is therefore of no significance as indicating the intention of the Russian Government to insist upon the extension of its territorial control over the marginal seas, whether for customs purposes only, or for other jurisdictional purposes.

One of the Secretaries of the Japanese Embassy has recently made inquiry of this Embassy as to the attitude of the Department of State on this question. While careful not to make any specific statement, he gave the impression that his Government is endeavoring to learn the attitude of the other Powers with a view to remonstrating against the Russian claim if it finds that it may rely upon support in such a protest.

I am informed by the German Embassy that its Government has not made any remonstrance in this matter; whether it intends to do so I have not yet been able to learn.

I have therefore the honor to request that the Department instruct me what action, if any, it desires me to take in regard to this question.

I have [etc.]

W. W. Rockhill.

[Inclosure.—Translation.]

Law extending the Maritime Customs area.

Law approved by the Council of Empire and by the Imperial Duma, and supremely confirmed, concerning the extension of the maritime customs area.

To interpret in the following manner the fourth paragraph of the supplement to paragraph 2 of the Customs Regulations (*Collection of Laws, volume VI, Edition of 1904*):

1. The surface of the water for twelve marine miles from extreme low-water mark from the seacoasts of the Russian Empire, whether mainland or islands, is recognized as the Marine Customs area, within the limits of which every vessel, whether Russian or foreign, is subject to supervision by those Russian authorities in whose charge is the guarding of the frontiers of the Empire.

The President of the Council of Empire,
M. AKIMOFF.

So be it.[1]

At LIVADIA
December 10[2], 1909.

Countersigned: *Imperial Secretary,*
MAKAROFF.

File No. 861.0145/2.

Memorandum of the Solicitor's office of the Department of State.

[Memorandum.]

OFFICE OF THE SOLICITOR,
DEPARTMENT OF STATE,
Washington, December 28, 1910.

MUNICIPAL SEIZURES BEYOND THE THREE-MILE LIMIT.

The American Ambassador at St. Petersburg reports that the Emperor has approved a law promulgated January 1/14, 1910, whereby the area of supervision by Russian customs authorities has been extended twelve marine miles from low-water mark. Inasmuch as enforcement of this law may lead to seizures of American vessels beyond the ordinary limit of territorial waters, it is necessary to examine the question whether such seizures would be consistent with rules of international law.

The British "Hovering Act" of 1734 assumed for certain revenue purposes a jurisdiction of four leagues from the coast by prohibiting foreign goods from being transshipped within that distance without payment of duties. Boyd says this act has long since been repealed and the present legislation distinguishes as to extent of jurisdiction claimed for revenue purposes between British ships and foreign ships. There is no longer any authority under British law to visit foreign vessels beyond the three-mile limit. (Boyd's Wheaton, 241). Hall, however, states that within 4 leagues any customs officer may board and demand the manifest of any ship. (Hall, For. Juris. 243.)

The United States in 1797 passed a similar law (probably suggested by the British Act) which has been incorporated in Revised Statutes, section 2760, which reads as follows:

> They [officers of the revenue cutters] shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part

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[1] "So be it" on the original is written in His Imperial Majesty's own hand. (Note by the Minister.)

[2] December 23, 1909, new style.

thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with hold of any vessel, and shall remain on board such vessel until they arrive at the port or place of their destination.

The fact that the territorial limits have been in some cases fixed by treaty (for example, Treaty of Guadalupe Hidalgo, 1848, Art. V), or changes suggested by that method (1 Moore, 732), would seem to show how definite and fixed nations regard the three-mile limit of territorial waters. The question of municipal seizure on high seas appears to be left open by the conventions of The Hague Conferences and the London Naval Conference. As indicating the attitude of the political department of the American Government, the following expressions of Secretaries of State may be given:

Mr. Fish, Secretary of State, wrote to the British Minister in 1875, in regard to the treaty of Guadalupe Hidalgo, and the act of Congress on revenue seizures, that:

> We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast. * * *
>
> It is believed, however, that in carrying into effect the authority conferred by the act of Congress referred to, no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States. At all events, although the act of Congress was passed in the infancy of this Government, there is no known instance of any complaint on the part of a foreign Government of the trespass by a commander of a revenue cutter upon the rights of its flag under the law of nations. (1 Moore, 731.)

In 1879, Secretary of State Evarts instructed Mr. Foster, American Minister to Mexico, that—

> An attack by Mexican officials on merchant vessels of the United States, when distant more than three miles from the Mexican coast, on the ground of breach of revenue laws, is an international offense, which is not cured by a decree in favor of the assailants, collusively or corruptly maintained in a Mexican court. (1 Moore, 731.)

Secretary of State Evarts in 1881, writing to the Ministeı to Spain concerning the visitation and firing upon four American vessels near the Island of Cuba in 1880, said:

> This Government must adhere to the three-mile rule as the jurisdictional limit, and the cases of visitation *without that line* seem not to be excused or excusable under that rule.
>
> This Government frankly and fully accepts the disclaimer of the Government of His Majesty that any intention of discourtesy existed in these proceedings. It insists, however, on the importance of a clear understanding of the jurisdictional limit. It insists, likewise, on the distinction between the verification (according to the usual procedure of revenue cruisers), within a reasonable range of approach of vessels seeking Spanish ports in the due pursuit of trade therewith, and the arrest by armed force, without the jurisdictional three-mile limit, of vessels not bound to Spanish ports. (1 Moore, 732.)

The validity of seizures under the above and similar municipal acts has been the subject of comment by various writers on international law. Mr. Dana in his notes to his edition of Wheaton says:

> Doubtless States have made laws for revenue purposes touching acts done beyond territorial waters, but it will not be found that, in later times, the right to make seizures beyond such waters has been insisted upon against the remonstrance of foreign States, or that a clear and unequivocal judicial precedent now stands sustaining such seizures when the question of jurisdiction has been presented.

He criticises the statute of the United States, which, he says—

> does not authorize a seizure of a foreign vessel when beyond the territorial jurisdiction. The statute may well be construed to mean only that a foreign vessel, coming to an American port, and there seized for a violation of revenue regulations committed out of the jurisdiction of the United States, may be confiscated; but that, to complete the forfeiture, it is essential that the vessel shall be bound to and shall come within the territory of the United States after the prohibited act. The act done beyond the jurisdiction is assumed to be part of an attempt to violate the revenue laws within the jurisdiction. * * * If the foreign vessels have been boarded and seized on the high seas, and have been adjudged guilty, and their Governments have not objected, it is probably either because they were not appealed to or have acquiesced in the particular instance from motives of comity.

After reviewing the cases Church *v.* Hubbart, 2 Cranch, 187 and 234; Rose *v.* Himely, 4 Cranch, 241; Hudson *v.* Guestier, 4 Cranch, 293, 6 Cranch, 281; The Louis, 2 Dods, 245, Dana concludes:

> It may be said that the principle is settled that municipal seizures can not be made for any purpose beyond territorial waters,

that is, beyond the marine league.

These and other cases will be briefly reviewed:

Church *v.* Hubbart (1804), 2 Cranch, 187, appears to be the earliest American case. The plaintiff took out two policies of insurance on the cargo of the *Aurora*, bound on a voyage from New York to Portuguese ports in Brazil. In one policy was the exception "not liable for seizure by Portuguese for illicit trade," and in the other, "insurers do not take risk of illicit trade with the Portuguese." The *Aurora* cleared from New York for the Cape of Good Hope, but went directly to Rio de Janeiro, where she remained fifteen days, and openly sold $700 worth of goods. Thence she went to Pará on the Brazilian coast, falling in on the way with a schooner. Both anchored four or five leagues from land, off the mouth of the Pará river, and in Pará bay. A longboat was put off to speak a boat inshore for the purpose of securing a pilot to carry the two vessels up the river, in order that they might get wood and water, and, if permitted, sell their cargo. Shortly afterward the captain went aboard the schooner and sailed in towards the shore, and brought to, by two shots, a Portuguese schooner and compelled her master to come aboard, but he was later taken ashore in a longboat. The crew of this boat were imprisoned upon shore, and two days later three armed boats came out from Pará and seized the *Aurora* and her companion and imprisoned the crews for attempting to trade in violation of the Portuguese laws prohibiting foreigners from trading with Portuguese colonists. These laws do not state any certain distance from shore within which they apply. Action was brought by the plaintiff to recover on the policy of insurance for the loss of his cargo. *Held* that no recovery was due because of the exception expressed in the policies, and, it would seem, because the application of the Portuguese law beyond the three-mile limit is not contrary to international law. The court admitted that illicit trade was such only as was contrary to some law. Chief Justice Marshall in delivering his opinion said:

> * * * A nation has a right to prohibit any commerce with its colonies. Any attempt to violate the laws made to protect this right is an injury to itself which it may prevent, and it has a right to use the means necessary for its prevention. These means do not appear to be limited within any certain marked boundaries, which remain the same at all times and in all situations. If they

> are such as unnecessarily to vex and harass foreign lawful commerce, foreign nations will resist their exercise. If they are such as are reasonable and necessary to secure their laws from violation, they will be submitted to.
>
> In different seas and on different coasts a wider or more contracted range in which to exercise the vigilance of the government will be assented to (2 Cranch, 234).

Of this decision Mr. Dana said:

> It is true that Chief Justice Marshall (in Church *v.* Hubbart) admitted the right of a nation to secure itself against intended violations of its laws by seizures made within reasonable limits, as to which, he said, nations must exercise comity and concession, and the exact extent of which was not settled; and in the case before the court the four leagues were not treated as rendering the seizure illegal. This remark must now be treated as an unwarranted admission. The result of the decision is that the court did not undertake to pronounce judicially, in a suit on a private contract, that a seizure of an American vessel, made at four leagues by a foreign power, was void and a mere trespass.

Rose *v.* Himely, 4 Cranch, 241, was the case of the American ship *Sarah*, which after trading at several ports of Santo Domingo sailed with a cargo purchased there for the United States. At ten leagues from the Santo Domingo coast she was seized by a French privateer (February 23, 1804) and taken to Barracoa, a Spanish port in Cuba. There she and her cargo were sold by the captors (March 18, 1804) before condemnation, but under the authority of the French "Agent of Santo Domingo," and the greater part of the cargo was bought by the master of an American vessel, transshipped, and taken to Charleston, South Carolina. The plaintiff, Rose, supercargo of *Sarah*, libeled the cargo in the United States on behalf of the original owner. After sufficient time had elapsed to have heard of these libel proceedings, the French captors began proceedings in the Santo Domingo court, which entered a decree of condemnation (about July 15, 1804), on the ground of trading with Santo Domingo contrary to an arret of March 1, 1804, forbidding trade with Santo Domingo ports, except the port of Santo Domingo, and providing for the seizure of "generally every vessel * * * found at a less distance than two leagues from the coast." *Held*, restoration to Rose (that is, decision of Santo Domingo court reversed) by opinion of five judges: two judges, including Chief Justice Marshall, on the ground that it was a seizure under a municipal law, which has effect only within the territory of the sovereign, and not on the high seas as in war; hence possession thus gained by the captor is unlawful, and is therefore possession by the captor alone, and not by the sovereign, and such illegal possession by the captor confers no jurisdiction on the court of the sovereign in Santo Domingo to condemn the property lying in another country; three judges, on the ground that the vessel, crew and supercargo never having been brought within the jurisdiction of the Santo Domingo court or the dominion of the sovereign, that court never had jurisdiction and its sentence is to be disregarded. Two justices dissented. No point is made in the decision of the fact that the arret was issued after the date of seizure, and no mention appears to be made either in the argument or opinion of the case of Church *v.* Hubbart, supra.

Hudson *v.* Guestier, 1808, 4 Cranch, 293, was similar to the case of Rose *v* Himely, except that the seizure of the vessel *Sea Flower* was made within the territorial jurisdiction of Santo Domingo and carried into a Spanish port of Cuba. While lying there, proceedings were regularly begun in the French court at Guadaloupe, which condemned both cargo and vessel. *Held* by a majority of the judges, including Chief Justice Marshall, that the decision of the circuit court below for the plaintiff should be reversed (that is, no restoration for the claimant, and the decision of the Guadaloupe court upheld) on the ground that the seizure being made within territorial jurisdiction was indisputably a valid seizure and vested lawful possession in the sovereign (not in the captor, as in Rose *v.* Himely), and on the ground that while the sovereign has possession of the *res* the sentence of his court can be executed; hence this possession is an essential fact on which the jurisdiction of the court depends. The court added that while the sovereign has possession the courts of the country where the *res* is taken have no authority to decide the cause or divest the authority of the sovereign's courts, at least unless there be such delay in proceeding to condemnation as to justify the opinion that no such proceedings were intended, and thus convert a seizure into a trespass. Two judges dissented from this opinion on the ground that the vessel must be brought into a port of the captor's court before the court of that country had jurisdiction.

The same case came before the United States Supreme Court again (6 Cranch, 281) after a new trial in the lower court, and the question was thus stated in the words of J. Livingston delivering the opinion:

> Considering it, then, as settled that the French tribunal had jurisdiction of property seized under a municipal regulation, within the territorial jurisdiction of the Government of Santo Domingo, it only remains for me to say whether it will make any difference if, as now appears to have been the case, the vessel were taken on the high seas, or more than two leagues from the coast.

Held by the majority of the judges that the decision of the circuit court for defendant be affirmed (that is, no restitution to the claimant, and the decision of the Guadaloupe court upheld), on the ground that the sovereign acquired lawful possession through the seizure by the captor though made on the high seas, or in the words of the court:

> If the *res* can be proceeded against when not in the possession or under the control of the court (as decided in Hudson *v.* Guestier, 4 Cranch, 293), I am not able to perceive how it can be material whether the capture were made within or beyond the jurisdictional limits of France, or in the exercise of a belligerent or municipal right. By a seizure on the high seas she interfered with the jurisdiction of no other nation, the authority of each being there concurrent. It would seem also that if jurisdiction be at all permitted where the thing is elsewhere, the court exercising it must necessarily decide, and that ultimately, or subject only to the review of a superior tribunal of its own state, whether in the particular case she had jurisdiction, if any objection be made to it. * * * Even if the reasons of his judgment (judge of Guadaloupe court) should not appear satisfactory, it would be no reason for a foreign court to review his proceedings, or not to consider his sentence as conclusive on the property. (6 Cranch, 284–285.)

One judge, Chief Justice Marshall, dissented, it would seem, on the ground that the sovereign had no lawful possession because the ship was taken on the high seas. He observed:

> that he had supposed that the former opinion delivered in these cases upon this point (Rose *v.* Himely) had been concurred in by four judges, but in this he was mistaken.

The opinion was concurred in by one judge. He was still of the opinion that the construction then given was correct. * * *

However, the principle of that case (Rose *v.* Himely) is now overruled.

In the face of this statement of Chief Justice Marshall, Dana says, "the judges differed in stating the principle of this case and of Rose *v.* Himely, and the report leaves the difference somewhat obscure."

Williams *v.* Armroyd, 1813, 7 Cranch, 423. The schooner *Fortitude*, owned by the plaintiff, an American citizen, while on a trading voyage from New London, Connecticut, to Martinico, a British colony, during the war between France and England was seized on high seas by a French privateer for trading with the enemy contrary to the French decree (Milan decree) and taken to St. Martins (French) to await trial. Later the prize master left St. Martins for Guadaloupe with the ship's papers on the pretense of beginning proceedings. Two weeks later she and her cargo were sold by order of the Governor of St. Martins. Part of the cargo was then transshipped and taken to Philadelphia, consigned to the defendant. Three weeks after the sale the Guadaloupe court condemned both ship and cargo for trading contrary to the Milan decree. The plaintiff libeled the Governor upon arrival in the United States. *Held*, no restoration, on the ground that the sentence of a competent court *in rem* is conclusive and passes an absolute change of property. No court of coordinate jurisdiction (as a court of another country) can examine the sentence, consequently its conformity to public or municipal law cannot be inquired into by such court. Hudson *v.* Guestier, it was said, fully established this principle.

It was contended that the sentence of the Guadaloupe court did not change the property because: (1) The sale was made before the decree of the court, and thus possession passed over to the purchaser, but the court held that the purchaser held possession through and for the captor, and the sentence reverted back to time of capture and affirmed it. (2) Because the Milan decree was contrary to international law, but the court held that it cannot revise the sentence under the decree, even if erroneous or if Congress had said without more that the decree was a violation of international law. The conclusion of the court seemed to be that the sentence of the Guadaloupe court bound the property concerned, whatever might be the opinion of coordinate courts as to the sentence or as to the laws under which it was rendered.

Le Louis, 1817, 2 Dods., 210. This was a French-owned ship with a French register pass, etc., on a voyage from Martinique to Africa, which was captured ten or twelve leagues off of Cape Mesurada, Africa, by a British cutter for carrying on slave trade. The crew resisted capture, some sailors on both sides being killed. An act of the British Parliament enabled the governors of colonies to authorize ships to seize and prosecute vessels engaged in the slave trade or found on or near the coast of Africa and within the limits of any of the colonies. (51 George 3 C., 23.) The captor took the vessel to Sierra Leone, where the admiralty court condemned both vessel and cargo. *Held* (Sir William Scott), restoration, on the ground that there was no law of France forbidding slave trade at the time of the capture; that the treaty between England and France did not forbid it; that the British statute of 51 George 3 applied only to British ships and British subjects, for a nation has a right to enforce its laws only so far as it does not interfere with the rights of others; that if there was a French law it could not be enforced by England without a treaty; and that slave trading is not a crime under international law. The court assumed the fact of resistance and of jurisdiction of the lower court, though neither was perfectly shown, and also assumed that the ship had a "contingent intention" to trade in slaves, as she had on board manacles, platforms, large quantities of stores, etc.

Dana, however, says "the arrest was held unjustifiable because made in time of peace for a violation of municipal law beyond territorial waters."

In re Cooper, 1891, 143 U. S. 473. The British schooner *Sayward* while sealing in the Behring Sea, seventeen miles from land, was seized by an American revenue cutter and taken to Sitka, Alaska, and libeled and condemned for the violation of Revised Statutes 1956, which prohibited killing seals within the limits of Alaskan territory. The 477 sealskins on board were also condemned. The answer of the claimants before the lower court denied that the ship was sealing within Alaskan territorial waters, and the case came before the United States Supreme Court on an application for a writ of prohibition to restrain the United States Supreme Court in Alaska from enforcing its decree of forfeiture and condemnation. *Held*, application refused on the ground that the courts are bound by the action of Congress or the Executive within the limits of the Constitution or laws; that the courts are given jurisdiction by Revised Statutes 1954, 1956, 784, and 563, section 3 of the act of March 2, 1889 (25 Stats. 1009), and the treaty with Russia of 1867; that from the record of the lower court it does not appear that the seizure was made outside of the three-mile limit, so the legal inference is that it was made within the limit; that the master raised no question of jurisdiction in the lower court; and that, inasmuch as the lower court had power to inquire into its jurisdiction, its maintenance of same involved the conclusion necessary to sustain it. Hence upon the face of the libel, the facts found below, and the final decree, the district court clearly had jurisdiction. The petitioner had a remedy by appeal from that decree which is rendered of no effect because of his neglect to have included in the findings the exact locality of the seizure.

The *Sylvia Handy*, 1891, 143 U. S. 513. This was a case of libel in the United States district court in Alaska against this ship for sealing in the Behring Sea in violation of Revised Statutes, section 1956, for which she was seized by a United States revenue cutter. The district court decreed forfeiture of ship, tackle, etc., and 1,679 sealskins on board. Motion in arrest of judgment was overruled, and an appeal taken to the United States Supreme Court. *Held*, the decree of the district court affirmed on the ground of in re Cooper (143 U. S. 472).

I do not find that this case came before the Behring Sea Claims Commission, but the case of the *Sayward* was presented to that commission. The Paris tribunal of arbitration which sat under the treaty of 1892 between the United States and Great Britain, held in effect that the United States had no jurisdiction in the Behring Sea beyond the ordinary three-mile limit, and had no right to protection of property in the fur seals frequenting the islands of the United States in the Behring Sea when such seals are found outside the three-mile limit. With the point of jurisdiction thus decided the question of the damages for seizures of British sealing vessels was decided by another commission under the treaty of 1896. This commission awarded the amount of compensation to be paid to Great Britain on behalf of the owners, master, officers and crew of the *Sayward*, at a total of $20,262.

To summarize the above cases, it may be said that in Church *v.* Hubbart, Chief Justice Marshall in effect held that the facts made out a case of illicit trade within the exception in the policy, so that there could be no recovery for loss of ship resulting from such illicit trade. This, however, is quite a different thing from saying that the seizure of the ship was legal or illegal. The trade may have been illegal whether the seizure was legal or illegal. The exceptions in the policy do not qualify the word "seizure." If the trade was illicit, it does not appear whether it was illicit from what was done beyond or within the three-mile limit, hence it is difficult to see how this case either upholds or denounces municipal seizure beyond the three-mile limit. The case of Rose *v.* Himely is not a strong one as the grounds of the decision were not concurred in by a majority of the judges. Hudson *v.* Guestier, decided on the same day as Rose *v.* Himely, is not in point, for then the seizure was considered as made within territorial waters. When this case came up again, however, the seizure was considered as made upon the high seas, and the court held that the jurisdiction of the Guadaloupe court was not affected by seizure on the high seas, and that, anyway, the Guadaloupe court was the one to determine its own jurisdiction and may have done so in this case, and its decision could not be reviewed by a coordinate court. But to hold that a court has jurisdiction of a case is not to hold that the decision of such court as to the legality of the seizure is correct. (See Dana's similar conclusions.) This view of the United States Supreme Court is significant, however, in showing how foreign judgments in cases of municipal seizures on the high seas are considered when the foreign court has jurisdiction and acts fairly. In Williams *v.* Armroyd, the court practically followed Hudson *v.* Guestier, and held that the sentence of a competent foreign court *in rem* is conclusive. The case of *Le Louis* is a case in point, being a seizure on the high seas for a supposed violation of a British law, but Sir William Scott held that the British law applied only to British ships, and British subjects, and for this and other reasons restored the French ship. The cases in re *Cooper* and *Sylvia Handy* are also cases in point where the United States District Court in Alaska condemned British vessels for violation of municipal law on the high seas. This court and the Supreme Court were bound by the municipal law as would have been Sir William Scott in *Le Louis* had the offender been a British subject. (See Regina *v.* Heyn, 13 Cox C. C. 403; Conception Bay case, 2 App. Cas. 394.) The decision of the Arbitral Tribunals, however, reversed in effect the cases of in re *Cooper* and *Sylvia Handy*, and no doubt many others which never got to the United States Supreme Court. The case of *Marianna Flora*, 11 Wheat. 1, has not been mentioned, as it was later considered in *Palmyra*, 12 Wheat. 1, as a case of seizure *jure belli.*

Thus it would seem that the question whether municipal seizures beyond the three-mile limit are legal has been decided affirmatively by the municipal courts, bound by municipal law, and negatively by international tribunals governed by international law. This last was the general view contended for by Chief Justice Marshall in the earlier cases above reviewed.

L. H. W. [WOOLSEY].

NOTE.—In the North Atlantic Coast Fisheries Arbitration, Great Britain did not contend that she had jurisdiction beyond the three-mile limit outside of "bays." This is shown on page 25 of the British countercase where it is stated that the action of the British brig *Jaseur*, in seizing an American vessel on the high seas, "could not be justified." Great Britain contended, however, that she had jurisdiction in bays beyond the three-mile limit, and that seizures made in such bays, but beyond three miles from the shore, were legal, not because they were made on the high seas for violation of the municipal law, but because they were made in territorial waters for violation of treaty rights. Mr. Cartwright states that inasmuch as the United States wished to show that Great Britain had not asserted jurisdiction in bays beyond the three-mile limit, seizures in such localities were not exhaustively treated in the United States case.

The main cases, however, cited by either country are three in number.

The Bay of Fundy case was a seizure of the American vessel *Washington*, 10 miles from the shore of the bay, for fishing in violation of the British-American treaty of 1818. The question was whether this was fishing within "three miles of the coasts, bays etc." An award was granted to the claimants. (Claims Commission 1853, Moore Arb. 4342.)

The *Argus* case was a seizure of the American vessel *Argus* 28 miles from land, and not in any bay, by a British ship, for fishing in violation of the same treaty of 1818. An award was made to the claimants because, being 28 miles from shore, there was no violation of the treaty of 1818. (Claims Commission 1853, Moore Arb. 4344.)

The Moray Firth case, referred to at the beginning in Mr. Warren's argument for the United States, is a recent Scottish case which is not readily available. This appears, however, to be the case reprinted in American Journal of International Law, 526. In this case a Norwegian boat was seized 5 miles from shore in Moray Firth, a bay whose mouth is 13 miles wide, and the master fined 50 pounds, for trawling in violation of a Scottish act and regulations thereunder, forbidding trawling in this firth. The court held it was bound by municipal statutes; that therefore this case became a question of construction of the statute; that the statute covered not only the firth but aliens fishing therein.

L. H. W.

File No. 861.0145/3.

The American Ambassador to the Secretary of State.

No. 452.]

AMERICAN EMBASSY,
St. Petersburg, January 16, 1911.

SIR: Referring to my No. 363 of September 30 last, with which I transmitted the law of December 10/23, 1909, extending the area of supervision by the Russian Customs authorities to 12 miles from low-water mark, I have the honor to report further that the British Ambassador has recently discussed with the Minister for Foreign Affairs the unwillingness of his Government to acquiesce in the claim to jurisdiction over marginal waters beyond the three-mile limit: Mr. Sazonoff promised to consider the remonstrance of the British Government, but has not yet made any further communication on the subject. The Japanese Embassy also addressed to the Foreign Office, during the latter part of December, a note to the effect that the Japanese Government adheres to the accepted rule of international law fixing at three marine miles the limit of territorial jurisdiction over marginal waters.

The disposition of the Russian Government to establish a twelve-mile limit for other purposes than those of customs supervision is indicated by a project of law elaborated for presentation to the Duma by the Chief Administration of Land and Agriculture (or Minister of Agriculture): in the *Government Messenger* of December 24/January 6 appeared an announcement (of which a translation is inclosed[1]) that this project contemplates, among other things, prohibiting foreigners from carrying on fishery or other marine industries in the waters of the Government of Archangel, the prohibited area including all the White Sea to the line between Cape Kanin and Cape Sviatoi (Holy Cape) and all other marginal waters to a distance of twelve miles from shore. There is reason to suppose that this bill, if enacted, will incur the energetic protest of the British Government against the extension of territorial jurisdiction by the enlargement of the three-mile limit and by the closing of the White Sea.

I have [etc.]

W. W. ROCKHILL.

File No. 861.0145/2.

The Secretary of State to the American Ambassador.

No. 135.]

DEPARTMENT OF STATE,
Washington, January 21, 1911.

SIR: The Department has received your No. 363, of September 30 last, reporting concerning the Russian law extending the area of supervision by the Russian customs authorities to twelve marine miles from low-water mark.

You will inform yourself thoroughly on the nature and extent of the jurisdiction assumed under the Russian law and report fully to the Department especially as to the operation of the law upon American shipping. Meanwhile you will discreetly call the matter to the attention of the Minister for Foreign Affairs, and state that with reference to the general operation of the law over the marginal seas beyond the generally recognized three mile limit and particularly as affecting American commerce, the United States is constrained to reserve all rights of whatever nature.

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[1] Not printed.

I am [etc.]

P. C. KNOX.

File No. 861.0145/4.

The American Ambassador to the Secretary of State.

AMERICAN EMBASSY,
No. 466.] *St. Petersburg, February 13, 1911.*

SIR: Replying to the Department's No. 135 of January 21 in reference to the despatch No. 363 of September 30 last in which I reported concerning the Russian law extending to twelve miles from low-water mark the area of supervision by the Russian customs authorities, I have the honor to report that in conversation with the Minister for Foreign Affairs to-day I took occasion to discuss this question and to read to him that portion of the instruction in which it is stated that "with reference to the general operation of the law over the marginal seas beyond the generally recognized three-mile limit and particularly as affecting American commerce, the United States is constrained to reserve all rights of whatever nature." Mr. Sazonoff at the same time promised me a full reply to a memorandum which I then left with him, asking information as to the nature and extent of the jurisdiction assumed under the law in question.

In discussing with me this matter and the correlated question raised by the proposal to exclude foreigners from fishing within twelve miles from the shores of Archangel Government (reported in my No. 452 of January 16), Mr. Sazonoff took the view that territorial jurisdiction over marginal seas is based on the theory of control from the land, and that the delimitation of this area of control at twelve miles now corresponds more nearly with actual conditions than does the three-mile limit which represented the effective range of cannon at the time when this limitation of control over the seas was recognized as a principle of international law.

I enclose herewith a summary[1] of an editorial article in the *Novoye Vremya* of the 11th instant, which embodies what I take to be the official Russian view of this question.

With reference to the proposed closure of the White Sea to foreign fishermen, I would note Mr. Sazonoff's statement that this measure is necessitated by the insufficiency of fish in those waters, and is directed primarily against the competition of Norwegian fishermen.

I have [etc.]

W. W. ROCKHILL.

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[1] Not printed.

File No. 861.0145/5.

The Acting Secretary of State to the American Ambassador.

DEPARTMENT OF STATE,
No. 148.] *Washington, March 11, 1911.*

SIR: The Department has received your No. 466 of the 13th ultimo reporting further concerning the Russian law extending to twelve miles from low-water mark the area of supervision by the Russian customs authorities.

The Department awaits the reply promised to you by the Russian Minister for Foreign Affairs and your comments thereon.

I am [etc.]

ALVEY A. ADEE.

File No. 861.0145/6.

The American Ambassador to the Secretary of State.

No. 506.] AMERICAN EMBASSY,
St. Petersburg, March 28, 1911.

SIR: In reply to the Department's instruction No. 148 of the 11th instant, concerning the Russian law extending to twelve miles from low-water mark the area of supervision by the Russian customs authorities, I have the honor to state that the only information on the subject which the Minister for Foreign Affairs has so far been able to give me was another copy of the Law of December 10/23, 1909 (forwarded with my despatch No. 363 of September 30, 1910).

I have been unable to secure copies of the notes exchanged by the Russian and British Governments on this subject, which is still under discussion, though I had already asked that they be shown for your confidential information.

I have [etc.]

W. W. ROCKHILL.

File No. 861.0145/6.

The Secretary of State to the American Ambassador.

No. 157.] DEPARTMENT OF STATE,
Washington, April 21, 1911.

SIR: The Department has received your No. 506 of the 28th ultimo, in regard to the Russian law [etc.]

The Department awaits the reply promised by the Minister for Foreign Affairs, referred to in your despatch of February 13, 1911, and any further information concerning this matter which you are able to obtain.

I am [etc.]

For Mr. Knox:
HUNTINGTON WILSON.

File No. 861.0145/7.

The American Ambassador to the Secretary of State.

No. 558.] AMERICAN EMBASSY,
St. Petersburg, May 16, 1911.

SIR: In acknowledging the Department's instruction No. 157 of the 21 ultimo, in reference to the Russian law extending to twelve miles from low-water mark the area of supervision by the Russian customs authorities, I have the honor to state that I have been able to gain little further information on the subject. The Duma Committee has unanimously adopted the Government's text of the bill, as well as that of the bill for the protection of the fisheries in the seas of the Government of Archangel (See my Nos. 452 of January 16, and 466 of February 13, last.) As the Duma is to adjourn on June 28, however, the bills will doubtless not be reported to that body or acted upon in the present session.

In a recent conversation the British Ambassador informed me that the question is now under discussion of bringing the whole subject, (not only of the twelve-mile limit, but of the fisheries also) before an international conference.

I have [etc.]

W. W. Rockhill.

File No. 861.0145/7.

The Secretary of State to the American Ambassador.

No. 168.]

Department of State,
Washington, June 6, 1911.

Sir: I acknowledge the receipt of your despatch No. 558, of May 16, in further reference to the proposal of the Russian Government to secure the passage through the Duma of a law extending to twelve miles from low-water mark the area of the territorial waters which shall be supervised by the Russian customs authorities.

You are requested to keep the Department advised of any further developments connected with this matter.

I am [etc.]

P. C. Knox.

File No. 861.0145/8.

The American Ambassador to the Secretary of State.

No. 592.]

American Embassy,
St. Petersburg, June 21, 1911.

Sir: In continuation of my despatch No. 558 of May 16 last and in compliance with the Department's instruction No. 168 of June 6, I beg to state that since the date of my despatch above mentioned the bill extending the area of Russian territorial waters to twelve miles from low-water mark along the Pacific coast of the Empire has passed the Duma and the Council of Empire, and only awaits the approval of the Emperor.

As regards the extension of the area of territorial waters along the coast of European Russia, I am informed by the British Chargé d'Affaires that his Government has not yet reached any definite conclusions in its discussions of the matter with the Russian Government. The President of the Council of Ministers, with whom he recently spoke on the subject, seemed disposed to agree, in principle, to the submission of the question, in a limited form, to a conference, but not otherwise.

I cannot learn that any of the other diplomatic representatives are taking any part whatsoever in the discussion of this matter with the Russian Government.

I have [etc.]

W. W. **Rockhill.**

File No. 861.0145/8.

The Secretary of State to the American Chargé d'Affaires.

No. 186.]

Department of State,
Washington, July 18, 1911.

Sir: I acknowledge the receipt of Ambassador Rockhill's despatch No. 592, of June 21, in further reference to the policy of the Russian Government to extend to twelve miles the limits of Russian territorial waters. Careful note has been made of your statements as to the steps already taken in this direction.

The Embassy is requested to keep the Department informed of future developments in this matter.

I am [etc.]

P. C. **Knox.**

File No. 861.0145/9.

The American Chargé d'Affaires to the Secretary of State.

No. 641.]

American Embassy,
St. Petersburg, July 21, 1911.

Sir: With reference to this Embassy's dispatch No. 592 of June 21 last, and to previous despatches on the subject of the law extending the area of Russian territorial waters to twelve marine miles from low-water mark along the Pacific coast of the Empire, I have the honor herewith to forward (with translation) Law No. 1066 of the "Collection of Laws and Dispositions of the Government," establishing the regulations for sea-fishing in the Maritime Government-Generalship.

I have [etc.]

Post **Wheeler.**

[Inclosure.—Translation.]

Law establishing rules for sea-fishing.

No. 1066. Concerning the establishment of rules for sea-fishing industries in the Maritime Governor-Generalship.

A law approved by the Council of Empire and the Imperial Duma for establishing rules for sea-fishing industries in the Maritime Governor-Generalship:

I. As change and supplement to the existing rules, to establish the attached rules for sea-fishing industries in the Maritime Governor-Generalship.

II. The rules contained in Division 1 to be put into operation six months after notification of the same to the Imperial Japanese Government, in accordance with Article IX of the Fishing Convention between Russia and Japan, imperially ratified July 13, 1907.

The President of the Council of Empire,
M. **Akimoff.**

So be it.[1]

Peterhoff, *May 29, 1911.*[2]

Countersigned: *Imperial Secretary,*
Makaroff.

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[1] "So be it" on the original is written in His Imperial Majesty's own hand. (Note by the Chargé d'Affaires.)

[2] June 11, 1911, new style.

Rules for sea-fishing industries in the Maritime Governor-Generalship.

[Extract of the portions of the text relating to extent of territorial waters.]

DIVISION 1.—*General Regulations.*

1. Where the extent of the seashore radius is not defined by special international enactments or treaties, the present rules cover the coastal sea to a distance of three geographical miles (=12.02 marine miles=20.87 versts), counting from the line of the lowest ebb-tide, or from the extremity of the coastal standing ice.

The present rules do not cover the Amur estuary from a line connecting Cape Lazareff on the mainland to Cape Pogobi on the island of Saghalin, to a line connecting Cape Perovskiy on the mainland with the northern tributaries to the Baikal Gulf on the island of Saghalin.

2. The carrying on of sea-fishing industries is permitted (that is, the catching of fish and their preparation) on sites defined for this purpose, which constitute special governmental quit-rent locations, and also from trading-vessels.

The trading sites, consisting of a defined area, shall be leased either: (1) for the catching and preparation of fish, with the right of fishing in the waters adjacent to the shore over a surface of the width of one marine mile; or (2) only for the preparation of fish, without the right of fishing.

Outside the limits of one marine mile from the shore the fishing shall be carried on from vessels with an arrangement of special permits.

The Chief Manager of Land Works and Agriculture, in agreement with the Maritime Governor-General, has the right to declare, for a definite time, separate royons of the coastal waters as closed altogether to fishing, or to separate phases of fishing (catching fish or their preparation), and also to establish periods when fishing is not allowed.

File No. 861.0145/9a.

The Acting Secretary of State to the American Ambassador.

No. 59.]

DEPARTMENT OF STATE,
Washington, January 19, 1912.

SIR: Referring to the despatch No. 452 of January 16, 1911, in which your predecessor forwarded a translation of a project of law introduced into the Duma by the Chief Administration of Land and Agriculture which contemplated the extension of the area of Russian control over fisheries to a distance of twelve miles from the shores of the Archangel Government, as well as over the whole of the White Sea, and to his despatch No. 592 of June 21, 1911, reporting the passage of such a project of law by the Duma and the Council of Empire, the Department has to bring to your attention an item which appeared in the American newspapers of December 13 last to the effect that as a result of protests by the interested Powers "Russia has abandoned her claim to introduce a twelve-mile limit in the waters of the White Sea." In view of this statement, it is desired that you report upon the present status of the Russian Government's proposals to extend its jurisdiction, for the purposes of the control of fisheries, over the whole of the White Sea, and to a limit of twelve miles over marginal seas.

It is also desired that you should endeavor circumspectly to ascertain and report to the Department whether any protest has been made by the interested Powers against the similar extension of the area of control over the marginal waters of the Maritime Governor-Generalship as provided by the law of May 29/June 11, 1911, of which a translation was forwarded in the Embassy's No. 641 of July 21st last.

I am [etc.]

HUNTINGTON WILSON.

File No. 861.0145/10.

The American Ambassador to the Secretary of State.

No. 173.] AMERICAN EMBASSY,
St. Petersburg, February 3, 1912.

SIR: Referring to your instruction No. 59 of January 19, 1912, I have the honor to report as follows:

My predecessor did not report, as therein stated, in his despatch of June 21, 1911, that the Duma and the Council of Empire had passed any project of law in connection with an extension of the control of fisheries to a twelve-mile limit *on the shores of the Archangel Government and the White Sea.* His despatch referred only to the Pacific coast.

The whole matter is most complicated and confusing, but conferences with the British and Japanese Embassies and with the Secretary of Foreign Affairs have helped me to a clearer understanding of the question.

Russia proposes ultimately to extend her control in every way to a distance of twelve miles from all her coasts bordering on the ocean. This has not yet been fully accomplished, but only in part. The question naturally groups itself into three divisions:

1. The exercise of customs authority to a distance of twelve miles from all her coasts on the open sea.

This law was approved by the Emperor December 10/23, 1909, promulgated January 1/14, 1910, and is now in force. As yet, so far as can be ascertained, no case calling for special international protest has occurred under it.

2. The extension of Russian jurisdiction over all open-sea fisheries on the Pacific coasts within twelve miles of the lands of the Russian Empire.

This law was passed May 29/June 11, 1911, and went into force December 25/January 7, last.

3. The law extending jurisdiction over fisheries conducted in the White Sea and within twelve miles of the Archangel Government was reported favorably by the Committee to the Duma last June, but has not yet been passed. It lies on the table and it is reported that English influence is responsible for the delay in its passage.

England has formally protested against all three of these laws in particular and against the attitude of Russia in general in regard to the extension of jurisdiction from three miles to twelve. Not being, however, specially interested in the Pacific Coast fisheries, England has confined vigorous action to the Archangel and White Sea fisheries, where her interests are large. England hopes to be able to get this proposed law postponed long enough to permit the matter to be presented before the next Hague Conference in 1915. The President of the Duma has assured the British Ambassador that the project can not be reached by the present Duma, and M. Sazonov practically admitted the same thing to me.

Japan also has protested in general against the whole proposition of extension of jurisdiction to twelve miles from shore in the open sea, but she has confined her vigorous action to the fisheries in the Pacific, where her direct interests are enormous. The annual Japanese catch of fish in what are now claimed to be Russian waters is valued in gross by the Japanese Embassy at 80,000,000 roubles.

Japan contends that the section of these laws dealing with Pacific fisheries is not only in violation of international law, but is also a violation of the spirit of the existing Russo-Japanese Fishery Agreement.

Two Japanese delegates representing the fishing fleet of Japan are now here seeking amelioration of present conditions.

The Japanese Embassy filed a formal note of protest on October 31 last in regard to Russia's action in the Pacific Fisheries, but as yet has received no answer.

The item mentioned by you from the American press of December 13 in regard to the abandonment by Russia of this policy is an error.

On the contrary, M. Sazonov in a long interview last night assured me that Russia proposed to maintain the twelve-mile limit as a permanent policy, though he hinted that it might be modified in detail, and frankly stated that Russia had agreed to hold conversations with the representatives of Japan and of England, especially on the points in which the two countries were respectively interested.

Russia contends that the three-mile limit is obsolete. The distance of three miles having been set as the conventional range of a cannon, it is claimed that with the extension of the range of modern ordnance the limit of jurisdiction should be increased to correspond.

M. Sazonov stated further that though this matter is not in his own department, but, being a matter of territorial jurisdiction, is being handled by the Department of Land and Agriculture, he thought nevertheless he could assure me now that Russia would not under any circumstances consent to refer such a question to The Hague tribunal.

Upon my venturing to suggest that grave complications might arise, especially in case of war, unless there was a common agreement among all the nations, at least as to some common limit of jurisdiction on the open sea, in case the three-mile limit is abandoned, he stated that Russia regarded this question in general as one of domestic (interior) legislation. He added that though the Russian Government is quite willing to discuss the matter, any modification must be taken by Russia's own act of volition and not by the decree of any outside tribunal.

I have to thank Mr. Frederick Sterling, Third Secretary, for valuable collaboration in this report.

I have [etc.] CURTIS GUILD.

File No. 850d.00/175.

The American Ambassador to the Secretary of State.

No. 179.] AMERICAN EMBASSY,
St. Petersburg, February 9, 1912.

SIR: I have the honor to enclose the original and translation of a note sent me by the Minister of Foreign Affairs in regard to my inquiries in connection with Spitzbergen.

You will notice that in the closing sentence my despatch No. 173 of February 3rd, in regard to the Russian attitude on the extension of jurisdiction on the open sea to twelve miles, is confirmed.

I have [etc.]

CURTIS GUILD.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the American Ambassador.

MINISTRY OF FOREIGN AFFAIRS,
St. Petersburg, January 25/February 7, 1912.

MR. AMBASSADOR: Your excellency has expressed the desire to be informed on the present situation in regard to Spitzbergen, and also on the project of law extending the zone of jurisdiction over the fisheries in the waters of the Archangel Government to 12 marine miles.

I have the honor, therefore, to inform you that in accordance with an understanding which has just been effected between the three Powers of the North, the Governments which have taken part in the Conference sitting at Christiania this January will communicate to the Norwegian Government their observations on the project of the convention elaborated by this Conference. The Norwegian Government on its side, having received these observations, will not fail to remit to the Governments which have received the original project of the Spitzbergen Convention the texts of the convention and of the arrangement which have just been elaborated. These Governments will be invited to examine them and asked to send their replies in due time to the three Powers of the North in order that the latter may exchange views in regard to these replies before the final invitation to the conference which the Norwegian Government proposes to convoke in the near future, if possible in June of the current year.

As regards the jurisdiction over the fisheries in the waters of the Archangel Government, the project relating to it is still being studied by one of the Committees of the Duma of the Empire, and it is difficult at this time to fix the date on which it will be submitted to the examination of the Duma in full sitting.

Please accept [etc.]

SAZONOFF.

File No. 861.0145/12.

The American Ambassador to the Secretary of State.

No. 231.]

AMERICAN EMBASSY,
St. Petersburg, April 13, 1912.

SIR: I have the honor to report that a telegram from Tokyo to the Russian papers stated on April 10 that, in view of the approaching opening of the fishing season, the Japanese press was protesting against the extension by Russia of its control over the fisheries in the Pacific to a twelve-mile limit from the shore.

A full report on this subject was forwarded to the Department in the Embassy's dispatch No. 173, of February 3 last. Thinking, however, that the Department might desire to learn any possible further developments, the First Secretary of the Embassy, Mr. Wilson, called by my direction at the Japanese Embassy and reports that there has been practically no change in the situation since that date and nothing to cause any special protest on the part of the Japanese press, except that the approach of the fishing season rather brought the matter to public attention.

The Embassy informed Mr. Wilson that no reply had been received to its formal note of protest against Russian action in the Pacific fisheries, presented to the Russian Foreign Office on October 31, 1911, and that therefore a few days ago the Ambassador took up the matter verbally with the Minister for Foreign Affairs, suggesting to him the conclusion of some sort of modus vivendi to cover the present fishing season.

M. Sazonow made no formal reply to this proposition, but the Ambassador gathered from his remarks that the Russian Government would make no concessions and intended to hold to its original plan of extending its control to the twelve-mile limit.

At present the matter rests at this point, and the Japanese Government, while ready and anxious to arrange some modus vivendi to cover the present fishing season, is not hopeful of a prompt or favorable acceptance of its proposal.

I have [etc.]

CURTIS GUILD.

File No. 861.0145/13.

The American Chargé d'Affaires to the Secretary of State.

No. 257.]

AMERICAN EMBASSY,
St. Petersburg, May 15, 1912.

SIR: Referring to the Embassy's despatch No. 231 of April 13 last on the subject of the extension of Russian jurisdiction to twelve marine miles in the Sea of Okhotsk, I have the honor to report that I was informed by a member of the Japanese Embassy to-day that no change has occurred in the situation during the last month.

The Japanese Embassy is still carrying on pourparlers with the Russian Foreign Office with the end of at least obtaining a modus vivendi between the two Governments which will tide over the question until the present fishing season is passed. As the season begins almost at once the situation is causing anxiety and my informant considers that there will be continual conflicts between the Japanese fishermen and the Russian authorities if some sort of agreement is not immediately reached. The Japanese Government is therefore pressing the matter with energy.

My informant further stated that the report which appeared in the London Times of May 5, i. e., that the question is soon to be arbitrated at The Hague and that Japanese cruisers have been sent to the fishing grounds, is without foundation. His Government would be glad to have the matter decided by The Hague Tribunal, but to this Russia has not yet assented.

I have [etc.]

CHARLES S. WILSON.

File No. 861.0145/14.

The American Chargé d'Affaires to the Secretary of State.

No. 313.]

AMERICAN EMBASSY,
St. Petersburg, July 19, 1912.

SIR: Referring to previous correspondence on the subject of the extension of the area of territorial waters to twelve miles by the Russian Government, I have the honor to enclose herewith a copy of a note which I have been able to procure—a note from the Russian Imperial Ministry of Foreign Affairs in reply to the protest entered by Japan against this extension in the Pacific Ocean. While this note is not of recent date, having been sent to the Japanese Embassy a year ago last March, it may prove of interest to the Department.

I have [etc.]

CHARLES S. WILSON.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the Japanese Ambassador to Russia.

In reply to the note verbale of ———— relative to the limits of customs surveillance along the Russian coasts the Imperial Ministry of Foreign Affairs has the honor to draw the attention of the Imperial Embassy of Japan to the fact that in modern international law there exists no generally accepted rule concerning the limits of territorial waters within which sovereign state authority may be exercised.

The question has been given widely different solutions either by international treaties or the municipal laws of a state, and very often in an unequal manner for the various protected interests (customs regulations, fisheries, criminal or civil jurisdiction, sanitary observation, etc.).

Thus an examination of the laws dealing with the question shows that a great many States in Europe and America exercise undisputed jurisdiction within limits that exceed the so-called ordinary zone of three nautical miles.

Sections 2760, 2867, and 3067 of the Revised Statutes of the United States of America, for instance, fix the limit of the jurisdiction of American customs officers at 4 marine leagues (12 nautical miles), exactly the distance set by the new Russian law of 1909.

The jurisdiction of British officers in all customs and quarantine cases also covers (under Article XXIII of chap. 35 of the British Act 9 Geo. II; Article XII of chap. 80 of Acts 39 and 40 Geo. III; and Article I of chap. 47 of Act 24 Geo. III) a 4 marine-league zone.

Finally, under the law of March 27, 1817, the customs marine zone of France reaches out 2 myriameters from the coast.

Taking into consideration the above-cited provisions of laws against which no State appears to have protested, together with the fact that Russia is not bound by any international treaty fixing the 3-mile zone for the territorial waters and that therefore its area cannot be measured from the viewpoint of international law except by the range of the cannons on the coast (which now even exceed the 12-nautical-mile limit) the Imperial Government is unable to admit that the Russian law of December 10, 1909, conflicts with international law.

Lastly, the Imperial Ministry deems it its duty to recall to the Japanese Embassy's memory that the Institute of International Law (whose authority on such questions is unquestionable) did not hesitate to declare (as far back as 17 years ago, when it met at Paris, in 1894) that the "usually adopted" distance of three miles was absolutely insufficient. Fully concurring in that view, the Netherlands Government soon thereafter (1895) took the initiative of an international conference (unfortunately never going beyond the stage of being contemplated) which was to give special attention to the question of territorial waters and accurately define the law common to all States, the lack of which the Imperial Government is not the last to deplore.

It might perhaps be possible, should all the States interested therein arrive at an agreement thereon, to include that question, of such importance to international life, in the program of the approaching Third Peace Conference that is to meet at The Hague about 1915.

File No. 861.0145/15.

The American Chargé d'Affaires to the Secretary of State.

No. 367.]

AMERICAN EMBASSY,
St. Petersburg, September 10, 1912.

Referring to previous correspondence between the Department and the Embassy on the subject of the extension of Russian jurisdiction to 12 marine miles in the Sea of Okhotsk, I have the honor to report that, in reply to inquiries, I have been informed by a member of the Japanese Embassy, that notes on the subject are still being exchanged between the two Governments.

Early in the summer Russia finally agreed to modify the application of this law, under certain conditions, though what these conditions were the Japanese Embassy naturally refused to state. This proposal the Embassy refused about a month ago, by a note, to which the Russian Government has not yet replied.

Up to the present time no Japanese fishermen have been arrested, nor suffered any embarrassment, and the law has not been rigidly enforced, nor, in the opinion of the Japanese Embassy, will be, until a definite understanding is reached between the two Governments.

In conversation with a member of the British Embassy, which is kept pretty fully informed by the Japanese Embassy as to the progress of the matter, I was told that probably neither Russia nor Japan were inclined just at present to press the question.

I further gathered that this was to some extent connected with the understanding which the Russian and Japanese Governments seemed desirous to reach in regard to all questions in dispute between them.

I have [etc.]

CHARLES S. WILSON.

SALVADOR.

POLITICAL DISTURBANCES—ATTITUDE OF THE UNITED STATES.

File No. 816.00/144a.

The Secretary of State to the American Minister to Guatemala.[1]

No. 116.]

DEPARTMENT OF STATE,
Washington, December 12, 1911.

SIR: In September last the Government of the United States received information that the President of Guatemala, having previously given secret aid to the Manuel Bonilla revolutionist movement against the Dávila Government in Honduras, was actively supporting General Bonilla for the presidency of that country under an agreement by which, after the elections of October 29 in Honduras, the two of them would undertake to lend assistance in the subversion of the Governments of Salvador and Nicaragua by disaffected elements in those two countries, the ultimate aim being, it is alleged, to place Estrada Cabrera in a dominating position in those Republics.

Thereafter the Department received corroborative information that Prudencio Alfaro, a Salvadoran revolutionist, was in Guatemala, near the capital, in frequent communication with Estrada Cabrera; that Guatemalan troops were being mobilized on the Salvadoran frontier; that cart roads were being constructed and telegraph and telephone offices opened at strategic points along the border for the entry of Salvadoran emigrados from Guatemala and Honduras; that unusually large shipments of military supplies were being received: that mules and elements of war were being sent from Chiquimula, in Guatemala, to Ocotepeque, in Honduras; that certain vessels, notably the *Emma* and *Siren*, used in the recent revolution against the Dávila Government, were being overhauled and put into commission by Guatemala and Honduras, respectively; that complaints were being made by Guatemala and Honduras of violation by Salvador of the Washington Conventions for the purpose, on the complainants' part, of securing the arrest of Honduran emigrados in Salvador who might otherwise interfere with the plans of Estrada Cabrera and Bonilla; and, finally, that other incidents, unimportant in themselves, if taken in connection with the above matters indicated the existence of a well-laid plan for a joint attack from Guatemalan and Honduran territory against the Government of Salvador, which, as far as the Department knows, is giving a peaceful and orderly administration of affairs in that Republic satisfactory to the majority of its people.

This Government has also received, from time to time, information of countermovements to bring about the subversion of the Governments of Guatemala and Honduras, respectively, and the Department has accordingly taken such precautions in aid of the constituted Government in those two Republics as seemed necessary to secure proper observance and enforcement of the so-called neutrality statutes of the United States and, in addition thereto, for the purpose of carrying out the spirit of the Washington conventions in which this Government has a deep interest although not a signatory thereof, it has exercised its good offices, on the request of the Government of Guatemala and the other signatories, in an impartial manner in bringing to the attention of the Governments concerned the charges of violation of the conventions, and has informally suggested the advisability of submitting their various contentions to the Ceneral American Court of Justice at Cartago.

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[1] Copies sent to the Legations at San José, Tegucigalpa, Managua, and San Salvador.

Reports have now reached the Department that the consistent record of this Government in respect of the recognition of constituted authority in Guatemala, the exercise of its good offices on behalf of Guatemala in the maintenance of the neutrality provisions of the Washington conventions, and its oft-expressed friendship for the people of Guatemala have been taken advantage of so as to create a totally false impression that the United States is in sympathy with Estrada Cabrera, if not secretly supporting him, in his alleged designs against the other Governments of Central America.

The Department has not the means, even if it had the inclination, to determine the merits of the charges made by Guatemala and Honduras against Salvador and the countercharges preferred by the latter. In order, however, that there may be no misconception in Central America or elsewhere, and no misunderstanding by the signatories of the Washington conventions of the strictly impartial attitude of the United States, the Department has in contemplation, in the event the hostile movement against the Government of Salvador does not cease, the giving of publicity to all the information on the subject at its disposal, together with an official announcement of this Government's policy.

You are instructed to present the matter in this sense to President Estrada Cabrera.

I am [etc.]

P. C. Knox.

File No. 816.00/146.

The American Minister to Guatemala to the Secretary of State.

[Extract.]

No. 197.]

American Legation,
Guatemala, January 2, 1912.

Sir: I have the honor to acknowledge the receipt, on the 25th ultimo, of your instruction No. 116, of the 12th ultimo, relative to the alleged activities of the President of Guatemala in connection with a plan for the subversion of the existing Government of Salvador, in which I was directed to present the matter in the sense indicated to President Estrada Cabrera.

My reception by the President took place on the 29th ultimo. In order to avoid the possibility in the future of any asseverations that the Department's position had been misunderstood I prepared an aide-mémoire which I handed to the President, and of which I have the honor to inclose a copy. This was accompanied by an unofficial translation into Spanish, of which I also have the honor to inclose a copy, in order that the President might examine it without delay.

After reading the Spanish text with apparent attention the President stated that he awaited the outcome without anxiety (espero tranquilo) and would take up the points made in order. I hereupon suggested that if he had no objection he should furnish me with some form of written statement in order that I might communicate to my Government exactly that which he wished. He replied that he thanked me for this courtesy, as it would allow him time to put his remarks in proper form, but that he desired as well to reply to my aide-mémoire at once.

I took this course in the hope that the President's written statement might be more useful to the Department than a mere report of a conversation, the accuracy of which might be questioned.

The President spoke for some time, the substance of his remarks being contained in the inclosed copy of a memorandum of conversation.[1]

The President's memorandum, accompanied by an English translation, is also inclosed herewith. * * *

I have [etc.]

R. S. REYNOLDS HITT.

[Inclosure 1.—Aide Mémoire.]

The American Minister to the President of Guatemala.

The American Minister had the honor to inform His Excellency the President of Guatemala that the former had received instructions from his Government to make certain communications to His Excellency. The communications in question are as follows:

In September last the Government of the United States received information that the President of Guatemala, having previously given secret aid to the Manuel Bonilla revolutionists movement against the Dávila Government in Honduras, was actively supporting General Bonilla for the presidency of that country under an agreement by which, after the elections of October 29 in Honduras, the two statesmen would undertake to lend assistance in the subversion of the Governments of Salvador and Nicaragua by disaffected elements in those two countries, the ultimate aim being, it is alleged, to place the President of Guatemala in a dominating position in those Republics.

Thereafter the Department of State at Washington received corroborative information that Prudencio Alfaro, a Salvadoran revolutionist, was in Guatemala near the capital in frequent communication with the President of Guatemala; that Guatemalan troops were being mobilized on the Salvadoran frontier; that cart roads were being constructed and telegraph and telephone offices opened at strategic points along the border for the entry of Salvadoran emigrados from Guatemala and Honduras; that unusually large shipments of military supplies were being received; that mules and elements of war were being sent from Chiquimula in Guatemala to Ocotepeque in Honduras; that certain vessels notably the *Emma* and *Siren*, used in the recent revolution against the Dávila Government, were being overhauled and put into commission by Guatemala and Honduras, respectively; that complaints were being made by Guatemala and Honduras of violation by Salvador of the Washington Conventions for the purpose on the complainants' part of securing the arrest of Honduran emigrados in Salvador who might otherwise interfere with the plans of the President of Guatemala and General Manuel Bonilla; and, finally, that other incidents, unimportant in themselves, if taken in connection with the above matters indicated the existence of a well-laid plan for a joint attack from Guatemalan and Honduran territory against the Government of Salvador, which as far as the State Department knows is giving a peaceful and orderly administration of affairs in that Republic satisfactory to the majority of its people.

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[1] Not printed.

The Government of the United States has also received from time to time. information of counter movements to bring about the subversion of the Governments of Guatemala and Honduras, respectively, and the Department of State has accordingly taken such precautions in aid of the constituted Governments in those two Republics as seemed necessary to secure a proper observance and enforcement of the so-called neutrality statutes of the United States and in addition thereto, for the purpose of carrying out the spirit of the Washington Conventions in which the Government of the United States has a deep interest although not a signatory thereof, it has exercised its good offices on the request of the Government of Guatemala and the other signatories in an impartial manner in bringing to the attention of the Governments concerned the charges of violation of the Conventions, and has informally suggested the advisability of submitting their various contentions to the Central American Court of Justice at Cartago.

Reports have now reached the Department of State at Washington that the consistent record of the Government of the United States in respect of the recognition of constituted authority in Guatemala, the exercise of its good offices on behalf of Guatemala in the maintenance of the neutrality provisions of the Washington Conventions, and its oft expressed friendship for the people of Guatemala have been taken advantage of so as to create a totally false impression that the United States is in sympathy with the President of Guatemala, if not secretly supporting him, in his alleged designs against the other Governments of Central America.

The Department of State has not the means, even if it had the inclination, to determine the merits of the charges made by Guatemala and Honduras against Salvador and the countercharges preferred by the latter. In order, however, that there may be no misconception in Central America or elsewhere and no misunderstanding by the signatories of the Washington Conventions, of the strictly impartial attitude of the United States, the Department of State has in contemplation, in the event the hostile movement against the Government of Salvador does not cease, the giving of publicity to all the information on the subject at its disposal, together with an official announcement of the policy of the Government of the United States.

LEGATION OF THE UNITED STATES OF AMERICA,
Guatemala, December 29, 1911.

[Inclosure 2.—Memorandum.—Translation.]

The President of Guatemala to the American Minister.

The President of Guatemala has given due consideration and attention to the memorandum dated the 29th of the present month which his excellency the Minister of the United States of America was pleased to hand to him, and in reply, taking up in order the points contained in the said document, states:

The Government of Guatemala does not conceal the fact that it viewed with pleasure the candidacy of Gen. Manuel Bonilla for the presidency of Honduras, believing that, on account of the prestige which he enjoys among his compatriots, the return to power of this leader may bring to an end the state of anarchy which reigned in Honduras, thus suppressing the dangers, entailed by this abnormal situation, to the peace of Central America, and especially of Guatemala, its immediate neighbor, with which country its frontiers are extensive.

The Government of Guatemala does deny, in the most absolute manner, that any agreement tending to the subversion of order or to provoking changes in the administration in the bordering Republic existed between its head and the leader of the Honduran revolution. The Government is obliged to confine itself to this comprehensive denial until the existence of the alleged agreement can be shown to exist in some tangible form, or at least until the interested parties can show the existence of valid motives which might induce an orderly government, such as that of Guatemala, to take part in a movement certain to bring about a conflagration in Central America.

The unfounded allegation that such proceedings had as an object the placing of the President of Guatemala in a dominant position in Central America falls to the ground when the international conduct which he has observed throughout all his administration is taken into consideration, and in view of the fact that there has not existed in Central America a factor for order and peace more decided and more constant than the Government over which he presides.

It is completely false that Prudencio Alfaro has been in this Republic, and still more, in the event that that were possible, that he could have been in frequent communication with the President of Guatemala. Neither is Alfaro a friend of my Government, nor would it in any case have supplied him with the elements to attack the established order in Salvador, an order which the Government of Guatemala respects and considers as emanating from the popular will.

The charges that roads have been repaired, that telegraph and telephone lines have been established, and that the elements of war which were necessary for the maintenance of order in the country have been collected, seem to be and are strange; this has not been limited in particular to the Departments bordering on Salvador, as may be shown at any time, nor does it constitute a motive for suspicion on the part of any country; it is the result of that condition of progress and welfare which happily, thanks to peace, the Republic has attained during the past years, and involves the exercise of rights of sovereignty which, as long as they are not directed against anyone through hostile motives, there is no right or reason to censure. In Salvador, for example, military institutions are being improved, instructors are being brought from Europe, the army is being disciplined and perfected, all the arms which the country needs are being acquired, and the Government of Guatemala, instead of complaining of this worthy progress, applauds it and rejoices therein with that sincerity and good will with which it would view the progress and prosperity of a brother.

Besides the patrols which are ordinarily maintained to preserve order on the frontier, where smugglers and ordinary criminals find refuge, owing to its nature, the Government of Guatemala has not moved a single man toward Salvador. The President of Guatemala would be greatly pleased, in order to have this assertion fully proved, if one of the honorable consular representatives of the United States would visit those regions, in order that he may be convinced by ocular proof of the lack of foundation for the gratuitous charges which are made in this respect.

It is deplorable that even the most natural acts, such as the repairing of the ship *Emma*, should be willfully misconstrued and an importance attributed to them which they do not possess; but it is even worse when it is imputed that we are in possession of vessels, such as the *Siren*, of which we have no cognizance.

In that which refers to the emigrados, the Government of Guatemala has evinced its good faith in the fulfillment of the Washington conventions to such an extent that when a few months ago the Minister for Foreign Affairs of Salvador asked by telegraph for the concentration of certain of his compatriots, resident on the Guatemala frontier, they were immediately brought to the capital, notwithstanding the fact that these persons were proprietors of plantations in that district, the result of which was, as may be proved, an expression to us of effusive thanks of the Government of Dr. Araujo. If the Government of Honduras has not obtained from the Government of Salvador the same results under analogous conditions, this is not the affair of Guatemala.

The good will of the Government of Guatemala toward that of Salvador has not been confined to this incident alone. We have even, at her request, suppressed the sale of liquors which existed in the border zone, in order to avoid the existence of conditions that might lead to disorder; nor did the Guatemalan administration stop to consider that this measure might bring, as it has brought, great losses to the public treasury.

In the memorandum to which this one refers the allusion was made to well-laid plans for a joint attack from Guatemala and Honduras against the Government of Salvador. In this respect the President of Guatemala can only express the wish that concrete evidence be furnished, a reasonable indication that such a combination has existed or does exist, as otherwise, against unfounded assurances, the only course left open is that which is now taken, namely, categorical denial.

The Government of Guatemala expresses its gratitude that the Government of the United States of America, although not a signatory to the Washington conventions, has zealously watched over their observance, maintaining the strictest neutrality as to the Central American internal questions and interposing its good offices to the end that such difficulties as may have arisen between the Governments of the Isthmus be submitted to the Central American Court of Justice, established at Cartago, and furthermore states with pleasure that the Government of Guatemala has been and will continue to be the faithful supporter of these conventions, wherein it sees with reason the basis for concord and harmony between the nations of Central America, and adds that whatever suggestions may have been made to it to weaken, not alone the treaties but institutions derived therefrom, have been and will always be unavailing and fruitless.

Ambitious persons without license, enemies of every system of order and industry, have circulated reports that the Government of Guatemala intends to bring about by force the union of Central America. To destroy such a ridiculous charge the President of Guatemala here recalls the fact that his delegates to the Washington convention, faithfully interpreting his instructions, maintained that the union could not and ought not to be realized except with the mutual consent of the interested peoples, for the very reason that it was the supreme aspiration of Central American patriotism, and that when the momentary clouds were dissipated this great benefit could be obtained by the union of interests and the fusing of ideals.

The cordiality of the relations which happily exist between the United of America and the Republic of Guatemala, and which the President of this last nation endeavors carefully to cultivate and to strengthen, has aroused in certain elements, hostile to the Government of Guatemala, the most profound hatred, which has found echo in the Mexican press and in that of the various sections of Central America by the publication of malicious articles, wherein it is endeavored to give the impression that the Guatemalan President boasted of the friendship of the United States as a means of realizing his selfish and illegal plans. Nothing could be more false and malevolent, although, indeed, the Government of Guatemala takes pleasure in maintaining the closest bonds with the great and powerful American people, following in this regard its historical antecedents and its present earnest desires; yet it will never take advantage of those bonds and sympathies as a shield or mask to justify or explain unlawful acts or reprehensible purposes. The recognized probity and rectitude of the Government of Guatemala and the very high consideration which it professes toward the noble and friendly nation which has given to the people of Guatemala so many and such oft-repeated proofs of consideration and friendship disproves this.

This memorandum would not be complete if it did not establish the fact that the persons who so evilly impose on the good faith of the Government of Salvador, whose sincerity the Government of Guatemala never doubts, are unquestionably enemies of both administrations, since they hinder the good understanding between friendly countries and create suspicion and mistrust, which state of affairs can only bring profit to the disturbers of the peace in the most unhappy event, which will not arrive, that some day peace and concord, which should reign between both countries, be broken.

The President of Guatemala expects without anxiety that deeds, infinitely more eloquent and persuasive than words, will in the near future convince the President of Salvador that instead of having in the Government of Guatemala a hostile and adverse force he may count upon it for everything that contributes to peace, progress, and the happiness of the peoples who have confided to him their destinies.

GUATEMALA, *December 30, 1911.*

File No. 816.00/153.

The American Minister to Salvador to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
San Salvador, January 7, 1912.

SIR: I have the honor to acknowledge the receipt of a copy of an instruction which the Department addressed on the 12th ultimo to the American Minister at Guatemala on the subject of President Estrada Cabrera's activities in the internal political affairs of the neighboring republics, the Department adding in its instruction to me that the action contemplated by the Department and spoken of in the concluding paragraph of its instruction to the American Minister at Guatemala is dependent on whether or not the hostile movement by Guatemala against the Government of Salvador ceases, and directing me to keep the Department promptly advised as to such movement. I am therefore availing myself of the first outgoing mail to render a report upon the situation in question.

On the 1st ultimo I received a telegram from the American Minister at Guatemala informing me that the Guatemalan Minister for Foreign Affairs had written to him saying that the rumor of mobilization toward the Salvadoran frontier is entirely false, and that the Government of Guatemala has not considered such action. The before-mentioned note of the Guatemalan Minister for Foreign Affairs was evidently in response to an inquiry addressed to him by Minister Hitt asking if there was any objection to informing him of the object of the recent military activities on the southern frontiers, as a possible deterrent to Estrada Cabrera's intrigues.

At the time of the receipt of Minister Hitt's telegram of the 1st ultimo, containing the denial of the Guatemalan Minister for Foreign Affairs of the mobilization of troops along the Salvadoran frontier, I considered it of sufficient importance to bring the subject matter of the said telegram to the attention of the Salvadoran Government, which I did informally in a conversation with Dr. Castro Ramírez, the Minister for Foreign Affairs. * * *

On the 3d instant, in a conversation with President Araujo at the presidential mansion, the Minister for Foreign Affairs also being present, I took occasion to inquire about conditions on the Guatemalan frontier, when the President informed me that the Government of Guatemala, instead of having withdrawn from the frontier any of the troops which had been concentrated there during the past five or six months, had increased the number to about 4,000 men, which, the President added, was equal to the entire strength of the Salvadoran Army. * * *

On retiring from the presidential mansion I asked if the Minister for Foreign Affairs would not have the kindness to prepare and hand me a memorandum of the most salient points of the conversation that had taken place between himself, President Araujo and me, which he gladly consented to do, and I inclose herewith a copy and translation of this memorandum.

I have [etc.]

WILLIAM HEIMKE.

[Inclosure.—Memorandum.—Translation.]

The Minister for Foreign Affairs to the American Minister.

I.

There exists in all Central America a strong desire for peace, as the only means of promoting the progress and fraternity of these peoples. Weary of fratricidal struggles they desire, under the protection of the law, to develop their energies and activities for the common good, without the existence among them of deep hatreds which prevent their living in harmony. But, unfortunately, that desire of the peoples finds itself frustrated by the malevolent and perfidious activity of the President of Guatemala, Licenciado Estrada Cabrera, who, not satisfied with holding his country subject to a hard despotism, in the most absolute misery, with great loss of prestige at home and abroad, delights in keeping Central America in constant unrest, fomenting revolts and revolutions in the neighboring countries when the Governments do not submit to his odious tutelage nor second his antipatriotic designs. He is, therefore, the sole disturbing element in Central America, who does not permit the other countries to live in peace, because he endeavors to maintain an odious hegemony which honorable governments and peoples will never concede to him.

II.

Since having aided General Bonilla in his revolution against the Government of General Dávila, he has established in Honduras a sort of branch of the Government of Guatemala; for it is patent and notorious that he exercises absolute control over the Government of Dr. Bertrand, interfering in the public administration of that country in a direct manner. He caused the appointment of comandante de armas in Tegucigalpa to be given to the Guatemalan General Monterrosa, who has an absolute power, and recently he caused to be named as Minister of War Dr. Francisco Mejía, after this person was present at the congress of newspaper men held in Guatemala, where he was in the service of Estrada Cabrera. He has also sent other military men of importance, and continues to despatch elements of war across the frontier of Honduras, especially by way of Chiquimula.

III.

He keeps the Government of Honduras in perpetual unrest, both because the principal elements of society and hundreds of people of the laboring classes emigrate from their country, fleeing from that tutelage of Guatemala, and because he has made President Bertrand and Gen. Manuel Bonilla believe that Salvador will foment a revolution against Honduras, supporting the emigrados; with the result, by this last means, that Honduras is a center of menaces toward Salvador.

In fact, the Government of Honduras has numerous forces in the Departments of Choluteca, Valle, La Esperanza, and Ocotepeque ready to invade Salvador when Estrada Cabrera considers it convenient for his plans of domination.

IV.

Salvador, on the contrary, concerns itself only with maintaining a lawful government and promoting progress in all its manifestations. It desires peace with all Central America and succeeds in maintaining fraternal relations with the brother Governments. It is animated with noble wishes for the tranquillity of Honduras, and, in fact, has made great efforts to watch and concentrate the numerous Honduran emigrados, who number many thousands, and who have been successfully prevented from carrying out their projected revolts.

V.

The Chargé d'Affaires of Honduras, Dr. Manuel J. Vargas, who has just returned from Tegucigalpa, declares that Gen. Manuel Bonilla, on account of gratitude, is on the side of Estrada Cabrera, and that he will have to make common cause with him under all circumstances.

VI.

An honorable person who has just returned from Guatemala states that he talked with President Estrada Cabrera, and that the latter said "that he did not like President Araujo because he did not tolerate that any other ruler should acquire greater prestige than he, and that he would soon have to rectify this."

VII.

For all these reasons the menace continues, and it is only by bringing about the disappearance of this center of inquietude that Central America may enter into complete peace.

Costa Rica and Nicaragua are in perfect accord with Salvador, since Estrada Cabrera is attempting to disturb Nicaragua also, supporting a revolution headed by Zelayist elements, among whom are Dr. Julian Irias, Mr. José Gámez, and Gen. Nicasio Vásquez. The first two are in Costa Rica and the last enters and leaves the presidential mansion of Guatemala with all confidence. The Government of Salvador obtained possession of correspondence and cipher keys of theirs in this sense.

VIII.

Estrada Cabrera is maintaining on the frontier of Salvador 4,000 men under arms, and he has made the Government of Honduras believe that Doctor Araujo is disaffected toward it in order to keep that Government under his subjection.

IX.

The arms which the Government of Guatemala has given to that of Honduras and to which reference is made in No. II were transferred at the end of December, to say nothing of the previous deliveries.

San Salvador, *January 4, 1912.*

File No. 816.00/145.

The American Minister to Salvador to the Secretary of State.

[Telegram.—Paraphrase.]

American Legation,
San Salvador, January 10, 1912—2 p. m.

The President of Salvador has requested me to telegraph the Department that in consequence of Estrada Cabrera's increased military activities along the frontier the situation is becoming graver every day and that an invasion of Salvador from Guatemala and an outbreak of hostilities may be looked for at any time. The Minister for Foreign Affairs has just informed me that the Government of Salvador is in receipt of telegrams saying that every person desiring to cross into Guatemala from Salvador is turned back by order of the President of Guatemala; that Baron von Merck, accompanied by an aide-de-camp, who are officers on the staff of the President of Guatemala, have just crossed the frontier en route to this city bearing an important communication from Estrada Cabrera to President Araujo.

Heimke.

File No. 816.00/145.

The Secretary of State to the American Minister to Salvador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 11, 1912—12 noon.

Your January 10, 2 p. m. Repeat it to American Legation Guatemala.

KNOX.

File No. 816.00/145.

The Secretary of State to the American Minister to Guatemala.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 11, 1912—12 noon.

When you have received the telegram of January 10, 2 p. m., from the American Minister to Salvador, you will immediately take up this matter with the President of Guatemala, vigorously impressing upon him the absolute necessity of putting a stop to this hostile movement against Salvador, in utter disregard of the Washington conventions.

KNOX.

File No. 816.00/155

The American Minister to Salvador to the Secretary of State.

AMERICAN LEGATION,
San Salvador, January 11, 1912.

SIR: Referring to my despatch of the 7th instant, and also to my telegram of yesterday, 2 p. m., I have the honor to transmit herewith copies of telegrams and letters[1] addressed to President Araujo by departmental commanders stationed along the frontier, which copies the President has sent to me for my information and for submission to the Department of State in further proof of the continued and increased military activities of the President of Guatemala directed against the Republic of Salvador. I also inclose a translation of these letters and telegrams, which show that along the frontier Guatemalan officials, by the orders of their superiors, prohibit anyone from Salvador to cross the border into Guatemala; that Dr. Prudencio Alfaro, with Salvadoran political emigrados, is at a point near the frontier, on Guatemalan soil, ready to invade Salvador; that President Estrada Cabrera halts at nothing to disturb the peace of this country; that the Guatemalan General Cuellar has gone to Ocotepeque, Honduras, to confer with the Honduran General Arita regarding the operations that are to be put into effect after Gen. Manuel Bonilla has assumed the presidency of Honduras on the 1st of February next; that Estrada Cabrera will establish a headquarters at Santa Barbara, Honduras, as a base of operations, with which object there are being constructed wagon roads from the frontier of Guatemala to Santa Barbara, to be used in the transportation of the necessary elements of war for delivery to General Barahona and Dr. Alfaro, both of whom are disaffected Salvadorans and leaders of Salvadoran political emigrados; that the telegraph lines used by Guatemala in the last war between that country and Salvador are being reestablished; that General Aritas has asserted that Estrada Cabrera has offered him a ministry on the realization of the Central American union; that Estrada Cabrera has made a similar offer "to the commandant at Santa Rosa, through the medium of the commandant at Santa Barbara, Rafael Cobar, a Guatemalan, who a short time ago was in Santa Rosa conferring with or, rather, giving orders to Reina from his master, Estrada Cabrera"; that spies have been sent to Salvador from Guatemala, some of whom are women; that there is a movement of many people from various directions to Ocotepeque, Honduras, most of whom are partisans of Dr. Alfaro and friends; that on the 3d instant 200 armed men entered Ocotepeque from Guatemala; and, finally, that active recruiting of men for the army against Salvador, and their departure for the southern frontier, is now a daily occurrence in Guatemala.

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[1] Not printed.

President Araujo, accompanied by Dr. Castro Ramírez, the Minister for Foreign Affairs, called upon me this afternoon in order, as he said, to speak with me personally concerning the situation on the Guatemalan-Salvadoran frontier and to tell me that he is in hourly receipt of telegrams in substance similar to those of which he has sent me copies.

During the conversation with President Araujo I asked him to tell me the possible reason, if any, which Estrado Cabrera could have for his bellicose attitude toward the Republic of Salvador, and he replied that his Government had never, at any time, given the President of Guatemala the slightest reason for his strange actions, but that it is known that Estrada Cabrera's plan is to proclaim himself dictator, or president, of all Central America, and to accomplish this Estrada Cabrera aims to subjugate the Republic of Salvador in order that he may be in control of these Republics (since he has already entered into arrangements with Gen. Manual Bonilla to acquire control over Honduras at an appropriate time after Bonilla has assumed the presidency of that country). Then, after the conquest of Salvador, Estrada Cabrera's intention is to vanquish Costa Rica, which he counts upon to join the union necessarily and without resistance, as that country is a nonmilitary State; and after that Nicaragua would also be forced into the union. President Araujo added that if Estrada Cabrera thought that in this grotesque manner he could bring about a union of the Central American Republics he was greatly mistaken, and that as the result of such an attempt there would rest upon his shoulders the responsibility for the most sanguinary conflict that these already unhappy countries have ever seen, since there is not a man, woman, or child in Central America who would submit to the rule of Estrada Cabrera, a man who is terrorizing every corner of these countries and who is looked upon as being infinitely more unscrupulous and unprincipled than ex-President Zelaya. This, then, the President added, is the plan of

Estrada Cabrara—to satisfy a morbid and a blind personal ambition in order to constitute himself the only ruler over entire Central America, by whatever means and at whatever cost. Continuing, President Araujo stated to me that he did not stand in fear of an attack on Salvador by the forces of Guatemala; that, if necessary, he could mobilize 28,000 troops within 48 hours, and that Salvador would surely vanquish Guatemala in a contest at arms; that in about 20 days there would arrive here from Germany a large consignment of arms and ammunition, valued at $100,000 gold, although Salvador was not actually lacking in elements of war; and the President concluded by saying that his heart's desire was the peace of Central America, law and order, and the possession of the respect of the Government of the United States, whose moral support, in the event of a war with Guatemala, he hoped would not be withheld, as he felt that Salvador was being unjustifiably forced into such a conflict. I assured the President that the greatest wish of the Government of the United States was to see the peoples of Central America live in perfect harmony with one another. He replied that he had had abundant evidence of this fact and that he had every faith in the disinterestedness of our Government toward all Central America, but that harmony could never be realized so long as the malign power of Estrada Cabrera prevailed, since his intrigues were deep, far reaching, and never ending. The President also said, as an additional proof of the treachery and deception of Estrada Cabrera, that at this moment, while the President of Guatemala is spending thousands upon thousands of dollars in arming Dr. Prudencio Alfaro and his disaffected followers, the Salvadoran political emigrados in the territory of Guatemala, extraordinary and exceptional honors are being showered upon the special envoy who was sent to Guatemala to render the thanks of the Government of Salvador for Guatemala's special mission to the centennial celebration at this capital in the early part of last November. President Araujo qualified these inconsistencies as the refinement of absolute perfidy and duplicity on the part of Estrada Cabrera.

I have [etc.]

William Heimke.

File No. 816.00/147.

The Secretary of State to the American Minister to Guatemala.

[Telegram.—Paraphrase.]

Department of State,
Washington, January 12, 1912—4 p. m.

The Minister of Salvador informs the Department that Lino A. Barahona and Prudencio Alfaro are fomenting a revolution on Guatemalan soil against Salvador, and that Alfaro is at Jalpatagua. You will immediately convey this information to the President of Guatemala.

Knox.

File No. 816.00/147.

The Secretary of State to the American Minister to Honduras.

[Telegram.—Paraphrase.]

Department of State,
Washington, January 12, 1912—4 p. m.

The Department learns that revolutionary activities are at present in progress in Guatemala under Generals Prudencio Alfaro and Lino A. Barahona, and that President Bonilla is cooperating with the President of Guatemala. Immediately bring this to the attention of the Government of Honduras and urge strict observance of the Washington conventions.

Knox.

File No. 816.00/156.

The American Minister to Guatemala to the Secretary of State.

[Extract.]

No. 206.]

American Legation,
Guatemala, January 16, 1912.

Sir: With reference to your telegram of January 11, 12 noon, and Mr. Heimkè's telegram repeating to me his telegram to the Department of January 10, 2 p. m., I have the honor to inform you that I immediately endeavored to see the Salvadoran Chargé d'Affaires, Dr. Lima, in order to ascertain whether he possessed any supplementary information on the subject before asking an interview of the President of Guatemala.

In the afternoon I received a telephone message from the Minister for Foreign Affairs, who desired to see me and with whom I made an appointment for the following morning, the 13th instant, at 10 o'clock.

Dr. Toledo Herrarte had been sent by the President * * * to reiterate in the most forcible manner the assurances previously given by the President that no hostile preparations against Salvador existed. The Minister stated, in addition to the denials as to military preparations, that nothing could be more unfortunate at this moment than these unfounded accusations of bellicose intentions, as they greatly embarrassed the President in his negotiations for the financial rehabilitation of the country, to which he was devoting his best efforts and hoped soon to reach a solution.

The Minister adverted to the President's request, contained in his memorandum,[1] that an American consular officer might by personal inspection satisfy himself of the absence of all unusual military preparation along the Salvadoran frontier. I pointed out that a consular officer could scarcely be considered to be a competent judge of military questions, whereupon the military attaché of this Legation was suggested. I replied that I was not willing to assume for this Legation the responsibility of determining whether the alleged military preparations did or did not exist; that it seemed to me a question of convincing the President of Salvador of a matter of fact and that if Salvadorans were given facilities for making an inspection I should be willing, with your approval, to have the military attaché and a consular official accompany them, it being clearly understood that their report should be confined to a statement of the conditions found to exist at the various points at the moment the inspection was made and that there should be only one report, to be signed by all, with such reservations as individual members cared to add. The Minister immediately stated that his Government would afford every facility to such an informal party, relying upon the personal character of its members to remove the anxiety of the President of Salvador, and that he would consider himself indebted to this Legation if it could arrange the matter. I stated that I would suggest it to the Salvadoran Chargé d'Affaires.

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[1] The inclosure in the Minister's dispatch of January 2, ante.

After this interview I saw the Chargé d'Affaires of Salvador and communicated to him the substance of my telegraphic instructions and, further, allowed him to read my aide-mémoire and the President's memorandum in reply, which accompanied my despatch of the 2d instant. Dr. Lima stated that all the Salvadoran emigrados were concentrated in this capital, that he knew of no hostile preparations along the frontier adjoining Salvador, and that he did not believe that the information which seemed to have reached Dr. Araujo was correct. I explained to him the proposal for an inspection of the frontier, which he stated that he considered an excellent plan for dispelling the apparently false ideas entertained at San Salvador, and said that he would telegraph his Government to request authority to accept it.

I thereupon sent you my telegram dated January 13, 4 p. m.,[1] and requested an interview with the President, which was immediately accorded at 4 o'clock. The President had been advised of the conversation which took place during my interview with the Minister for Foreign Affairs, and I informed him that the Salvadoran Chargé d'Affaires had telegraphed his Government for authority to send the party of inspection along the border. The President renewed his previous statements as to the absence of all unusual activity in this locality or any hostile actions against the Government of Dr. Araujo. Your telegram of January 12, 4 p. m., having meanwhile reached me, I communicated its contents to the President, who stated that he would telegraph at once with a view to securing the arrest and conduct to this capital of Alonzo (there does not appear to be any political character of the name of Lino A.) Barahona and Prudencio Alfaro, adding that he desired me to note that he would despatch for this purpose a patrol of 40 men, and that he hoped I would bear witness to its character in case this were misunderstood by Salvador.

With regard to the moves against Salvador, my impression is that reports reached here during the centennial celebrations in San Salvador which led President Estrada Cabera to believe that a movement for a Central American union, in which Salvador would take the prominent part, was not an impossibility, and there is evidence that he collected a large number of men which he would doubtless have used in the event of any plan for union which did not reckon upon him as an essential factor; it, however, seems probable that the complaints of Salvador and the subsequent developments have caused him to withdraw everything in excess of the normal military preparations along the frontier, which would explain his urgent requests that the frontier be inspected to prove the truth and good faith of his assurances in this sense.

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[1] Not printed.

It has seemed to me throughout this matter of attacks against Salvador that if President Estrada Cabrera was working to subvert the Government of that country he would do so either by promoting a revolutionary movement or sending aid into Honduras, where it is here thought that General Bonilla will do whatever President Estrada Cabrera wishes, in either of which cases he would be in a position to pretend that he had had nothing to do with the matter, a course which would manifestly be closed to him if a direct invasion took place.

I mention the foregoing impressions with reserve, as the Department is aware of the extreme difficulty of securing in this capital reliable information as to the activities of the President when he desires to conceal them.

I have [etc.]

R. S. Reynolds Hitt.

File No. 816.00/148.

The Secretary of State to the American Minister to Guatemala.

[Telegram.—Paraphrase.]

Department of State,
Washington, January 16, 1912—4 p. m.

The Department learns from the Minister of Salvador that Guatemalan troops are leaving the frontier in large numbers and that Salvador believes it unnecessary to send two representatives to accompany the Military Attaché of your Legation to the frontier.

The Department, however, sees no objection to the Attaché going over the ground if he could obtain reliable valuable information.

Knox.

File No. 816.00/158.

The American Minister to Honduras to the Secretary of State.

[Extract.]

No. 75.]

American Legation,
Tegucigalpa, January 17, 1912.

Sir: I have the honor herewith to report that upon receipt on the afternoon of the 13th instant of your telegram of the 12th instant, 4 p. m., in regard to the revolutionary activities of Dr. Prudencio Alfaro and Gen. Luis Alonzo Barahona against the neighboring Republic of El Salvador and the cooperation of the President of Guatemala and of Gen. Manuel Bonilla with them, the contents thereof were at once embodied in a note to the Minister for Foreign Affairs of this Government, of which I inclose a copy. This note was delivered the next morning to the Minister at his house. On the following morning, that of the 15th instant, I received a reply from the Minister for Foreign Affairs to my note, of which I inclose a copy and translation. * * *

I have [etc.]

Charles D. White.

[Inclosure 1.]

The American Minister to the Honduran Minister for Foreign Affairs.

AMERICAN LEGATION,
Tegucigalpa, January 13, 1912.

MR. MINISTER: The Minister of Salvador in Washington has informed the Department of State of the Government of the United States that Gen. Prudencio Alfaro and Gen. L. A. Barahona have begun revolutionary operations in Guatemala and that they are receiving the cooperation of Gen. Manuel Bonilla, President-elect of Honduras, and of the President of Guatemala. Under instructions I have the honor to bring this matter to the attention of your excellency's Government, and, in so doing, to urge upon it strict observance of the conventions signed at Washington in 1907, to which Honduras is a party.

I avail [etc.]

CHARLES D. WHITE.

[Inclosure 2.—Translation.]

The Honduran Minister for Foreign Affairs to the American Minister.

MINISTRY OF FOREIGN AFFAIRS,
Tegucigalpa, January 15, 1912.

MR. MINISTER: I have the honor to acknowledge the receipt of your courteous note, dated the 13th instant, in which you advise this Department [etc.]

In reply I have the honor to inform your excellency that the statement made by the Minister of El Salvador in Washington to the Department of State of the United States is not true, because President Bertrand, as well as the President-elect, General Bonilla, have fulfilled and continue to fulfill faithfully the obligations established for Honduras in the conventions mentioned; so much so that in respect of the concrete case with which we are occupied there is no one who, even by facts that constitute presumption, can make my Government responsible, I do not say by omission, even by negligence in the fulfillment of its obligations.

My Government is completely ignorant of what is the present residence of Dr. Alfaro, or what are his activities or intentions for revolution in the sister Republic of El Salvador; but, on the other hand, it can give assurance that General Barahona has for several months been, and is, living with his family quietly in the city of San Pedro Sula, capital of the Department of Cortes, a section which is very distant from the Salvadoran frontier, which he will not cross in the quality of a revolutionist, because if any machinations should be plotted in the sense indicated it would not pass unnoticed by my Government, and my Government would not permit it.

I assure [etc.]

RAF'L ALVARADO M.

The American Minister to Honduras to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tegucigalpa, January 18, 1912—4 p. m.

The following telegram received this morning by the Minister for Foreign Affairs from the Chargé d'Affaires of Honduras in Salvador and I have been requested to bring it to your attention:

[Translation.]

I addressed a note to-day to the Foreign Office to the effect that my Government has received notice through various channels that Colonel Jacinto Velásquez, accompanied by other emigrados, is on the Salvadoran frontier enlisting men, organizing groups soldiers, purchasing elements of war, with the object of invading Honduras February first; that in Agua Blanca jurisdiction, Con-

cepcion, Oriente, there are groups ready to invade; that Ochoa Velásquez is at Jucuapa encouraging and sustaining emigrados in hope revolution against Honduras and in violation of article 16, treaty of peace and amity, subscribed Washington. I deem it expedient to indicate to your excellency that chiefs and leaders Honduras emigration resident this Republic are Generals Gutiérrez, Valladares, Cariab, Zúñiga; Colonels Mejía, Ramírez, Bulner, Jacinto Velásquez, Sierra, Amaya, and Dr. Ochoa Velásquez. In accordance with instructions of my Government I denounce movement [of] chiefs and leaders indicated and, making use of right authorized by article cited, respectfully request Government of your excellency to order immediate concentration this capital.

MANUEL J. VARGAS.

WHITE.

File No. 816.00/157.

The American Minister to Salvador to the Secretary of State.

AMERICAN LEGATION,
San Salvador, January 19, 1912.

SIR: Referring to the Department's telegram of the 16th instant, 4 p. m.,[1] asking if the President of Salvador would furnish me copies of telegrams proving the withdrawal of Guatemalan troops from the Guatemalan-Salvadoran frontier, and also referring to my telegram of the 17th instant, 2 p. m.,[1] advising the Department that at my informal request the Minister for Foreign Affairs had promised to furnish me copies of the before-mentioned telegrams, and adding that I would forward the same as soon as I had had them copied and translated, I now have the honor to inclose herewith a copy and translation of three of the telegrams in question.[1]

The telegram of Colonel Santos, from Chalchuapa, dated the 13th instant, addressed to the President of Salvador, says "that the troops of Estrada Cabrera are abandoning the provisional barracks which they had near the frontier, and that they are now allowing people to pass from there, and vice versa."

The telegram of General Cristales, from Ahuachapan, informs the President "that the Guatemalan forces which were on the frontier are concentrating and that all remains quiet."

The telegram of Colonel Colocho, from Metapan, dated the 14th instant, advises the President that "the Guatemalan troops are abandoning the positions which they had on the frontier, there remaining only some squads of a few soldiers pursuing smugglers and malefactors."

The Minister for Foreign Affairs informed me that President Araujo had received many other telegrams from the frontier during the 13th and 14th instant referring to the change of conditions there for the better, but that the three telegrams which are inclosed herewith are the only ones that state specifically that the Guatemalan troops were being withdrawn from the Guatemalan-Salvadoran frontier.

I have been informed by both President Araujo and Minister for Foreign Affairs Castro Ramírez that conditions on the northern frontier are now perfectly tranquil, and that no further trouble there is apprehended for the present, at least.

I have [etc.]

WILLIAM HEIMKE.

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[1] Not printed.

File No. 816.00/160.

The American Minister to Guatemala to the Secretary of State.

[Extract.]

No. 208.] American Legation,
Guatemala, January 23, 1912.

Sir: In continuation of my despatch No. 206, of the 16th instant, and with reference to your telegram of January 16, 4 p. m., which reached me the following morning, I have the honor to inform you that I immediately communicated the substance of the first paragraph of the latter to the Salvadoran Chargé d'Affaires, who had already received similar advices from his Government; and subsequently to the Minister for Foreign Affairs.

With respect to the second paragraph of your above-mentioned telegram, I decided, after consultation with the military attaché, that it would be better that the latter should not go over the Salvador frontier. The considerations which led me to this view were that, whatever the previous conditions may have been, it was evident from President Estrada Cabrera's memorandum, which accompanied my despatch No. 197, of the 2d instant, that he considered all traces of military preparations, if any had existed, could be removed before the inspection could take place, and that if the military attaché of this Legation confirmed the absence of military preparations this would be merely playing into the hands of the President of Guatemala.

After the receipt of the President's memorandum, referred to above, I consulted with the military attaché as to the possible results of an inspection of the frontier, and was informed by Major Clark that if serious military preparations had been made it would be impossible to conceal the fact from a trained observer. This, however, would not apply to the mere presence of the barefooted soldiery of the country, whose needs are almost nil, although there would be a possibility of gathering some information from residents as to their presence or absence in unusually great numbers.

I have [etc.]

R. S. Reynolds Hitt.

File No. 816.00.

The American Minister to Salvador to the Secretary of State.

No. 213.] American Legation,
San Salvador, January 27, 1912.

Sir: I have the honor to inclose herewith a copy and translation of three memoranda[1] handed to me by the Chargé d'Affaires of Honduras at this capital, dated the 25th, 26th, and 27th instant, relative to the disappearance from San Salvador, on the 22d instant, of Gen. Dionisio Gutiérrez, head of the Honduran political emigrados in this country, who, accompanied by Gens. Jesús Jeremías Zúñiga and José María Valladares, had proceeded to Sensuntepeque, a frontier town in Salvador, with the object of invading Honduras.

My telegram to the Department of the 25th instant, 8 a. m.,[1] reporting the disappearance from this city of the before-mentioned revolutionary leaders, was based on the Chargé's memorandum of the 25th instant, and my telegram of the 26th instant, 2 p. m., advising the Department of the recapture of Gens. Gutiérrez and Zúñiga, was based on the Chargé's memorandum of that date, and also upon a telephone conversation with the Minister for Foreign Affairs, who had called me up for the purpose of acquainting me with the capture of these men.

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[1] Not printed.

The third memorandum of the Honduran Chargé d'Affaires states that Gens. Gutiérrez and Zúñiga, duly guarded, had left San Vicente for this city at 5 o'clock this morning; that Gen. Valladares, whose disappearance constitutes a serious danger to the peace of Honduras, has not yet been captured; that in order to put down completely this chimerical attempt at revolution it devolves upon President Araujo to cause Gen. Valladares to be captured, and that the Chargé has been informed by President Manuel Bonilla, from Tegucigalpa, that Honduras has not been invaded by the emigrados on this occasion, and that the most absolute calm reigns in that country.

I have [etc.],

WILLIAM HEIMKE.

VISIT OF THE SECRETARY OF STATE TO SALVADOR.[1]

File No. 033.1100 K77/10.

The Minister of Costa Rica in Charge of the Legation of Salvador to the Acting Secretary of State.

LEGATION OF SALVADOR,
Washington, February 14, 1912.

MY DEAR MR. SECRETARY: I have the honor to acknowledge the receipt, this afternoon, of your esteemed letter dated yesterday[2] in which you were pleased to inform me that [etc.].

In answer thereto it affords me great pleasure to say that the Government and people of Salvador appreciate in all its importance the happy thought of His Excellency the President and will receive with the deepest gratification the honor of the visit of his excellency the Secretary of State. I am sure that he will have opportunity to notice how highly they regard the happy and cordial traditional amity which it has been and is the aim of Salvador to cultivate with the United States.

On Monday, the 12th instant, I called at the Department and left word that I will be very glad if I can be of any service in connection with Secretary Knox's trip, and I hope to be informed of the precise date when he will arrive in Salvador.

With many thanks for your courtesy, I am [etc.],

J. B. CALVO.

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[1] This subject is officially treated by the Government of Salvador in the "Libro Rosado de El Salvador" (Pink Book of Salvador) or "Boletín" of the Ministerio de Relaciones Exteriores, Vol. IV, No. 3, for March, 1912, pp. 161–168, transmitted to the Department by the American Minister with his dispatch of July 24, 1912 (not printed).

[2] The identic note printed under Panama: "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

File No. 033.1100 K77/71.

The Acting Secretary of State to the American Minister.

[Extract.]

Department of State,
Washington, March 4, 1912.

The Secretary of State and his party will arrive March 10 at Acajutla, will remain at San Salvador the 11th and 12th, and will leave on the 13th for San José, Guatemala.

Wilson.

Speech of His Excellency Don Manuel Araujo, President of Salvador, welcoming Mr. Knox at San Salvador, March 11, 1912.

[Translation.]

Your Excellency: In the name of the people of Salvador and of the Government over which I preside I extend a most cordial welcome to your excellency. Your presence here, at this time, will establish an epoch of note in the history of Central America. You bear to us on your visit of courtesy the good will of a great nation, one of the most powerful peoples of the world. We acknowledge your visit as an act of regard, and I, especially, at this moment, feel the spirit of the American, the Latin and the Indian stirring upon my lips to enable me to render a complete testimony of affection to your great nation, your Government, and to your excellency. Your country exhibits before the world, as a great and sovereign nation, the glowing example of the liberty and wisdom of your privileged race, forming an attractive and enviable standard for all other peoples. We, though constituted as small nationalities, possess the nobility and loftiness of purpose engendered by honor and faith in our destinies; and your excellency may feel assured that in Salvador, as throughout all Central America, there burns brightly, exceeding brightly, that noble ambition which is the objective point of all cultured peoples to occupy a prominent position in the concert of the civilized and free nations of the globe. Welcome, most honored Mr. Secretary, as also your distinguished family and your brilliant suite. It is our desire that the time spent by you in this section of Central America may be agreeable, and that the benefits of this visit may, at no distant day, flower into the peace, liberty, and progress of our country's ensign.

Reply of Mr. Knox.

Excellency: I come to your country not in the capacity of a diplomatic representative but by the direction of the President of the United States as the bearer of a message of friendship and good will from the American people, and I desire to express to Your Excellency my appreciation of the cordial and enthusiastic welcome accorded me by the officials of your Government and the people of Salvador.

It is the earnest desire of the President and people of the United States that the mutual relations between our two countries should continue to become even more intimate and cordial than they fortunately are to-day. I earnestly hope that Your Excellency and the people of Salvador may continue to enjoy that happiness and prosperity which Providence up to the present time has so bounteously accorded you and them.

Speech of His Excellency Dr. Manuel Castro Ramírez, Minister for Foreign Affairs of Salvador, at a banquet given in honor of Mr. Knox at the National Palace, San Salvador, March 11, 1912.

[Translation.]

GENTLEMEN: Invested with the high character of Secretary of State of the Government of the United States of North America, the eminent jurisconsult and statesman His Excellency Philander C. Knox is now visiting us, the bearer of the messages of friendship and sympathy which the powerful Government of the White House sends us through the medium of its most distinguished representative.

A cause of veritable satisfaction is the visit of him who comes preceded by so conspicuous renown, for it involves the generous and noble idea that new bonds of friendship well understood must continue to bind these Governments closer together and because this is a happy occasion to evidence to our illustrious guest the pacific and progressive evolution which is going on in Salvador, thanks to the highly patriotic spirit of the Government presided over by Dr. Araujo and to the wisdom and high ideals of the Salvadoran nation, which in its internal political construction embraces lofty principles of liberty and order, and of peace and intimate communion with the sister nations of the Isthmus, under the symbolic ægis of its democratic institutions.

Salvador, like all the countries of Central America, has a great example to imitate in the American people, both for their untiring spirit of advancement in all spheres of human life and for their constant and gigantic industry, which has placed them on the pinnacle of greatness; or, rather, for their eminently republican doctrines, which have been sustained and vouched for by characters of the type of Washington, Jefferson, Madison, and Lincoln, who are the stars that shine by the side of others in the political sky of that marvelous center of modern civilization. Salvador, in a salutary communication of ideas, will have much to avail itself of and learn from the people who disseminate civilization by the currents of their material and intellectual culture, who owe their immense evolution to the well advanced and admirably defined progress of liberty and law; like a compass which marks a changeless route for the people who follow fruitful ideals in the realization of their immortal destinies in the immense trajectory of the centuries.

The Government of Salvador expects, as a pleasing reality, that the visit with which His Excellency Mr. Knox honors us so exceedingly to-day will have beneficial and practical results from the *rapprochement* and concord of both peoples and Governments, which will open a new era in international friendship, as his courteous visit is in the nature of a frank refutation of the unfounded prejudices of those who have not had the fortunate opportunity, as we have, of hearing and admiring the most noble ideas of peace and friendship which he presents to us, ideas of which His Excellency the North American Secretary of State is the distinguished bearer, coming, with his words of fraternity and his honoring presence, on a mission of courtesy, bearing in one hand the olive branch of peace and in the other the heraldic emblem of the noble and just friendship of the American Government and people, who do us this high honor of sending us fraternal messages through the medium of their highest representative.

Let us drink, gentlemen, to the glories of the American people; to His Excellency President Taft; to the most worthy Secretary of State, Mr. Knox; to his most distinguished lady and brilliant suite—and on raising our glasses in their praise let us raise also our hearts, which burn with the sacred flame of pure patriotism, thus responding with frank cordiality to the homage which His Excellency the Secretary of State of the great Republic pays us by his visit.

Reply of Mr. Knox.

MR. PRESIDENT. MR. SECRETARY OF STATE, LADIES, AND GENTLEMEN:

It is with the feeling of sincere gratitude that I desire, on my own behalf and on the part of the people and Government of the United States, to express thanks for the courteous and cordial hospitality you have so generously lavished upon me and upon my family.

It is indeed a pleasure for me, Mr. President, to come from my countrymen as the bearer of a message of their good will and friendship to the people of Salvador.

Although the smallest of all the American republics, Salvador has much of which it may justly feel proud. Early among the Central American republics to proclaim its independence and to embark in the struggle for national emancipation, Salvador has always given to the world a wholesome example as a peace-loving and industrious people. With its dense population and small area its people have found it advantageous and even necessary to seek new fields of occupation and are gradually spreading into the neighboring republics, there to engage in the pursuit of agriculture, and lands theretofore unproductive promptly respond to the sturdy and capable hand of the enterprising Salvadoran who has gone peacefully to promote their industrial conquest.

Salvador is the only sovereign nation of the Northern Continent of the Western Hemisphere which does not border on both oceans, and the opening of the Panama Canal will shorten by some 10,000 miles the journey by water between Acajutla and New York, which should naturally be one of the chief markets for Salvadoran products. The United States is not only the greatest producing nation but likewise is the greatest consuming nation of the world, and as soon as the products of Central America, by being popularized in the United States, becomes sufficiently known, and the facilities for transporting them thither are made adaquate, the trade with our

Caribbean neighbors will grow and develop to an enormous extent.

The people of the United States have been too ignorant of our southern neighbors, their vast, undeveloped resources, and the measures they have taken to open themselves to the world.

If we are to enjoy with them the satisfactions of international friendship, the advantages of international trade, and the blessings of peace we must give more consideration to the means by which these advantages are brought about. Friendship and peace are indeed the common, if not inevitable, consequences of commercial intercourse and result from reciprocal dependence of countries upon each other's products, sympathies, and assistance.

I have heretofore elsewhere in my journey spoken of the possibilities of greater reciprocal helpfulness between the United States and the other American republics. This might take the form, in part, of more generous measures of commercial reciprocity between them. This, it seems, would be a natural expression of their mutual interdependence. In speaking, some two years ago, of the spirit and purpose of American diplomacy I then expressed the hope that the commerce between the United States and its southern neighbors, which makes so powerfully for friendship, might be adjusted on a more reciprocal basis.

The total annual trade of the Central American states, not including Panama, with the United States now amounts to something like $22,500,000. An idea as to what extent this commerce is capable of development and expansion may be obtained by recalling for a moment what has taken place with regard to the commerce of Mexico, whose close relations with the United States have so materially contributed to the rapid development of an enormous volume of trade.

Picture, then, the possibilities of these Central American republics and pause for a moment to consider that Salvador, in proportion to its area, produces more by far than any of its neighbors, and some faint idea may then be obtained of the magic to be worked by the closer intercourse between them and the United States.

By far the most active sphere of American diplomacy to-day is that of our relations with the twenty other republics of the Western Hemisphere. Most of these republics are passing through an evolution similar to our own—that of the peopling and developing of vast areas and the attempt to perfect republican government under similar institutions. Now that so many of the republics to the south of us have achieved government as stable, as enlightened, and as responsible as our own, it becomes more and more incumbent upon the citizens of the United States to know and appreciate them.

Nothing could have gratified me more than the sentiment the Minister for Foreign Affairs has just expressed when he said: The Government of Salvador expects, as a pleasing reality, that my visit to-day will have beneficial and practical results for the *rapprochement* and concord of both peoples and Governments, which will open a new era in international friendship and is in the nature of a frank refutation of unfounded prejudices. It is, indeed, the supreme purpose of my visit to show that upon our part there is no justification or substantial reason for prejudice or misunderstanding between the people of the United States and the people of Central America. What we both sorely need is that the truth about Central America and Central Americans and of their high civilization and lofty purpose and graceful and dignified hospitality should reach the United States through unpolluted sources and that the truth as to the motives and friendliness of the Government of the United States should reach you without wicked perversion. Then, indeed, would our countries and our peoples be unhampered in our advancement in the paths of rectitude and trustful confidence to higher levels of welfare and beneficial association. By such advances the stature of equality tends gradually to become as real as the equality of sovereignty and to reach the high level of stability, justice, and moderation and mutual responsibility which now happily characterize the relations between Salvador and the United States.

With its beautiful and health-giving mountain ranges, fertile and productive valleys, dense and labor-loving population dedicated to peaceful pursuits, Salvador presents, Mr. President, a spectacle which irresistibly merits the admiration of every foreigner whose good fortune it may be to touch these shores and justifiably inspires with pride the heart of every true son of Salvador.

File No. 033.1100 K77/130.

The American Minister to the Secretary of State.

[Extract.]

No. 221.]

American Legation,
San Salvador, March 16, 1912.

Sir: Referring to the Department's telegram of the 4th instant, I have the honor to render the following report on the reception and entertainment of the Secretary of State during his sojourn in Salvador:

On the afternoon of the 9th instant a special commission of Government officials, headed by the Minister for Foreign Affairs and accompanied by a committee of prominent citizens with their wives and daughters, which party I also accompanied, went in a special train to the port of Acajutla to meet and greet the Secretary of State.

At 9.30 o'clock a. m. on the 10th instant the U. S. S. *Maryland* arrived in the waters of Acajutla, and after dropping anchor exchanged with a land battery of Salvadoran artillery a national salute of 21 guns. At 1 o'clock of the same day the Secretary, together with the persons accompanying him, disembarked, and as his launch approached the pier a salute of 19 guns was fired in his honor by the Salvadoran battery on shore. When the Secretary and his party had landed and after I had presented Mr. Knox to Doctor Castro Ramírez, the Minister for Foreign Affairs, a band of the Salvadoran Government played the American national anthem; and after the Minister for Foreign Affairs had presented to the Secretary of State the Salvadoran officials and the ladies and the other gentlemen forming the commission and committee for the reception of the Secretary and his party, our train started for this capital, where we arrived at 4.20 p. m. At the railway station here the Secretary of State was welcomed to Salvador in the name of the President of the Republic by Mr. Rafael Guirola Duke, Minister of Finance and Public Credit, and by a second commission of high Government officials of the society of this capital; and after a repetition of the American national anthem, the Secretary, together with his family and suite, was escorted in automobiles and Government carriages through a double file of military from the railway station to the center of the city, to the residence of Deputy don Carlos Meléndez, which had been placed at the exclusive disposal of Secretary Knox and his official family of ten persons and where a detachment of cadets of the Polytechnic School was in attendance upon the Secretary day and night as a guard of honor.

At 10 o'clock on the morning of the 11th instant the Secretary of State was received in public audience by the President of the Republic at the National Palace in the presence of the Cabinet, other high Government officials, and members of the Diplomatic and Consular Corps; and after the exchange between the Secretary and President Araujo of the brief discourses usual on such occasions, Doctor Castro Ramírez, the Minister for Foreign Affairs, presented to the Secretary of State the members of the Judiciary, of the National Assembly, of the Diplomatic and Consular Corps, and of the municipality.

From 4 to 6 p. m. of this same day I had the honor and the pleasure of tendering to the Secretary of State and Mrs. Knox a reception and garden party at this Legation, for which I had issued formal invitations and which was attended by the President of the Republic and his family, by Cabinet officers, members of the Diplomatic and Consular bodies, and by high officials of the Government in the legislative and judicial branches, and besides, as said by the Diario de El Salvador, "all that San Salvador has of select, elegant, and cultured society had complete representation among both ladies and gentlemen."

At 7.30 o'clock there was given by the Ministry for Foreign Affairs a state banquet at the National Palace in honor of the Secretary of State, which was attended by 120 persons and at which banquet there were exchanged between Dr. Castro Ramírez, the Minister for Foreign Affairs, and the Secretary of State, notable discourses.

At 10 o'clock on the morning of the 12th instant there was tendered to the Secretary of State by the Salvadoran Minister of War, a military review at the Campo de Marte lasting two hours, which was also attended by the President of the Republic and his family, and by about two thousand other spectators; and at 9 o'clock p. m. of the same day the program of the festivities arranged for the entertainment of the Secretary of State during his visit to Salvador terminated with a grand ball given in his honor and in that of Mrs. Knox by the President of the Republic, in the Casino Salvadoreño, and I may say that it has rarely fallen to my lot to witness a more beautiful ball than this.

At 8.45 a. m. of the 13th instant the Secretary of State with his suite, and accompanied by the Minister for Foreign Affairs and the same ladies and gentlemen who formed the commission that had escorted him from the coast to this capital, departed in a special train for Acajutla, President Araujo with his wife and daughter, and also members of the Cabinet, and other high officials of the Government being at the railway station of this city to bid the Secretary and his party goodbye. We arrived at Acajutla at about noon, and upon the kind invitation of the Secretary the above-named commission boarded the U. S. S. *Maryland* and partook of a delightful luncheon. When the Secretary of State left Salvadoran soil a salute of 19 guns was fired in his honor by the Salvadoran land battery. At 3 o'clock the commission bade farewell to the Secretary of State and Mrs. Knox, as well as to the members of his party, and came ashore.

During the nights of the 10th, 11th, and 12th instant all Government edifices were splendidly illuminated and presented an aspect most imposing and pleasing.

From my observation, I do not hesitate to say that during his stay in Salvador the Secretary of State was the recipient of very many manifestations of respectful homage and of every courtesy at the hands of all who had the good fortune to meet him; and since he has gone I have heard in social as well as in official circles none but expressions of the extreme pleasure which his presence among us had brought, and of profound regrets at his departure.

I have [etc.]

William Heimke.

File No. 033.1100 K77/168.

The President of Salvador to the Secretary of State.

[Telegram.]

Executive Mansion,
San Salvador, April 22, 1912.

I congratulate you on the brilliant success of official visit to Central America and other countries which you honored with your presence. Salvador cherishes pleasant memories of you, your estimable family, and distinguished suite. I wish you well being and prosperity.

President Araujo.

File No. 033.1100 K77/168.

The Secretary of State to the President of Salvador.

[Telegram.]

Department of State,
Washington, April 23, 1912.

For Mrs. Knox and myself I thank you for your courteous telegram of congratulation and assure you that I shall always remember kindness of yourself and the people of Salvador during my visit.

P. C. Knox.

File No. 701.1611/26.

The Minister of Salvador to the Secretary of State.

[Translation.]

Legation of Salvador,
Washington, April 25, 1912.

Excellency: I have the honor to inform your excellency that, under a resolution of my Government dated March 18 last, I have been appointed Envoy Extraordinary on Special Mission with the duty of offering to your Government its feeling of profound gratitude for the cordial visit with which your excellency honored us.

In so informing your excellency, I beg you to learn from the President the day and hour when he will be pleased to receive me; at the same time I beg leave to enclose a copy of the remarks I shall have the honor to deliver on that occasion.

With assurances [etc.]

F. Mejía.

File No. 701.1611/26.

The Acting Secretary of State to the Minister of Salvador.

Department of State,
Washington, May 8, 1912.

Sir: I have the honor to acknowledge the receipt of your note of the 25th ultimo in which you request the designation of a time when the President will receive you as Envoy Extraordinary and Minister Plenipotentiary on Special Mission for the purpose of conveying to the President the expression of the gratitude of the Government of Salvador for the visit of the Secretary of State to that country, and to inform you that the President has been pleased to designate Friday, the 10th instant, at 2.35 o'clock p. m., as the day and hour when he will receive you for this purpose.

Mr. Chandler Hale, the Third Assistant Secretary of State, will meet you at the White House and present you to the President in your special capacity.

Accept [etc.]

Huntington Wilson,

File No. 701.1611/28.

Remarks of the Minister of Salvador, on Special Mission, when received by the President in Special Audience, May 10, 1912.

Mr. President: I have been honored by my Government with the high office of Envoy Extraordinary on Special Mission to express to you in its name and that of the Salvadoran people, and especially that of the President of the Republic, their profoundly grateful acknowledgement of the cordial visit with which they have been honored in your name by the Honorable Secretary of State, Philander C. Knox.

I am now discharging that pleasant duty, Sir, and in so doing I cherish the hope that you will see therein a sincere token of the high regard in which we hold you and our ardent desire that the good and cordial relations happily existing between Salvador and this great Republic may continue unalterable.

The Honorable Secretary of State's visit to my country, Sir, has been appreciated to its full value by my Government, and there is no doubt that its beneficent results will be felt. The noble mission that took him thither, his frank declarations and disinterested views, in conjunction with the eminent personal gifts of so distinguished and high a personage could not but produce a pleasing impression and excite our sympathy with your enlightened Government.

I conclude, Mr. President, in placing in your hands the autograph letter of President Araujo and I express in his name, in that of the Salvadoran people, and in my own, wishes for your personal happiness and the prosperity of this great people.

File No. 033.1611/1.

The President of Salvador to the President.

[Translation.—The original was delivered by the Minister on May 10.]

NATIONAL PALACE,
San Salvador, March 18, 1912.

GREAT AND GOOD FRIEND: The honoring visit of courtesy made in the early days of this month by his excellency the Secretary of State of your great nation, Mr. Philander C. Knox, in the name of your enlightened Government of which that statesman forms part, and the words of frank and true friendship he spoke to us on that most auspicious occasion in Your Excellency's name, have largely contributed to the strengthening of the good relations existing between Salvador and the United States of North America, and, desiring to voice the sentiments of gratitude by which my Government and the Salvadoran people are animated, I have decided to commission Señor Don Frederico Mejía, Envoy Extraordinary and Minister Plenipotentiary, so that he will appear on a Special Mission before Your Excellency to utter those sentiments.

This happy occasion affords me the welcome satisfaction of assuring Your Excellency of the homage of the most distinguished consideration with which I subscribe myself

Your true and good friend,

MANUEL E. ARAUJO.

File No. 701.1611/28.

Reply of the President.

MR. MINISTER: In sending the Secretary of State on a visit to the countries of Central America I was animated entirely by a desire to show to those countries the friendliness and good will of the United States toward them. It is especially gratifying to me that the Government of Salvador's appreciation of this friendly purpose has been such as to induce it to make acknowledgment thereof by a Special Mission.

Secretary Knox did not fail upon his return to make me acquainted with the cordial welcome and generous hospitality extended to him by the President, the officials and the people of Salvador. We are deeply impressed with the honor done him and our thanks are due to one and all for the warmth of the reception accorded to him. It is my hope that Mr. Knox's visit will do much toward a closer union and a better understanding between the two Governments and peoples. I shall at an early day make due acknowledgment of President Araujo's letter, but I ask you to be so good as to make known, in the meantime, to the Government and people of Salvador our profound appreciation of their courteous treatment of Secretary Knox, evidencing, as I doubt not it does, not only a recognition of his personal merits, but a desire as well for that fraternity of relations which it is your wish and mine to promote.

I thank you for your good wishes.

File No. 033.1611/1.

The Secretary of State to the American Minister.

No. 106.]

DEPARTMENT OF STATE,
Washington, June 28, 1912.

SIR: I enclose, with office copy, a letter by which the President acknowledges the letter, dated March 18 last, from the Constitutional President of Salvador expressing his appreciation of the recent visit of the Secretary of State to Salvador.

You will forward the copy to the Foreign Office and deliver the original in the manner most agreeable to His Excellency.

I am [etc.]

P. C. KNOX.

[Inclosure.]

The President to the President of Salvador.

THE WHITE HOUSE,
Washington, June 1, 1912.

GREAT AND GOOD FRIEND: I have received from the hands of Señor Don Federico Mejia Your Excellency's letter of the 18th of March last, in which you express your appreciation of the recent visit of Philander C. Knox, Secretary of State of the United States of America, to your capital.

I cordially reciprocate the sentiments of friendship and good will which you in the name of the Salvadoran people conveyed to me and I assure you of the best wishes of the people of the United States for the prosperity of Salvador.

Your Good Friend,

WM. H. TAFT.

File No. 033.1100 K77/219b.

The Secretary of State to the American Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, December 3, 1912.

SIR: I have received from His Excellency, Señor Don Manuel E. Araujo, President of El Salvador, a handsome volume entitled: "Album del Centenario" in memory of the one hundredth anniversary of the beginning of the war of independence of El Salvador and the other Republics of Central America.[1]

You will avail yourself of an early opportunity to express in person to His Excellency, President Araujo, my thanks for this valuable work, so interesting and instructive, which has served to recall to me with pleasure my recent visit to El Salvador and the other republics of Central America.

I am [etc.],

P. C. KNOX.

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[1] The "Pink Book of Salvador," containing an account of the Secretary's visit (File No. 716.000).

File No. 816.015.

THE COAT OF ARMS AND THE FLAG OF SALVADOR.

The American Minister to the Secretary of State.

No. 260.] American Legation,
San Salvador, August 24, 1912.

Sir: I have the honor to transmit herewith a decree of the National Legislative Assembly which was passed on the 17th of May, 1912, and published in the Diario Oficial of the 20th of that month, prescribing a new coat of arms for the flag of Salvador, which new insignia will begin to be adopted on the 15th of September next. I also enclose a translation of this decree.

It was only a few days ago that the jury which was to decide upon the form to be adopted for the new coat of arms rendered its finding, and yesterday the Minister for Foreign Affairs transmitted to me with a note (a copy and translation of which I enclose), a number of copies of the coat of arms and models of the flag of Salvador, together with a description of the new national insignia, a copy and translation of which description, as well as of the coat of arms and the models of the flag, also acompany this despatch.

I have [etc.]

Wm. Heimke.

[Inclosure 1.—Translation.]

Decree.

The National Legislative Assembly of the Republic of Salvador, in the exercise of the powers conferred upon it by Section 16a of Article 67 of the Constitution, and at the initiative of the Chief Executive,

Decrees:

Article 1. The adoption for the Republic of Salvador of the coat of arms and flag of Central America decreed by the National Constituent Assembly of the United Provinces of Central America, on August 21, 1823, with the modifications hereinafter expressed.

Consequently:

1st. The coat of arms of Salvador shall be an equalateral triangle. At its base shall appear the ridge of five volcanoes, placed on land which appears to be watered by both seas; in the upper section a rainbow which covers them; below the rainbow the liberty cap shedding light; and, in the form of a semicircle within its rays, the legend: "September 15, 1821." Encircling the triangle shall be written in letters of gold, "Republic of Salvador in Central America," and at the base of the triangle: "God, Union and Liberty."[1]

2d. This coat of arms shall be placed in all the ports and public offices.

3d. The Great Seal of the Nation, that of the secretariat of the National Assembly, and of the agents of the Government and tribunals of justice shall have the same coat of arms.

4th. The national flag for the ports and vessels shall consist of three horizontal bands, the upper and lower ones blue and the middle band white, in which middle band shall be shown the coat of arms already described. In pennants the bands shall be placed perpendicularly in the order mentioned. The same flag shall be used by Government envoys to foreign countries. On merchant vessels flags and pennants shall not have the coat of arms, and in the central band shall be written in letters of silver "God, Union and Liberty".

5th. The flags and standards of military corps shall be arranged in the manner named in the previous number. The bands shall always be horizontal; in the central one shall be designed the coat of arms; in the upper band shall be written the words "God, Union and Liberty", and in the lower band the class and number of each corps. On those of the infantry and artillery corps both inscriptions shall be in letters of gold and on those of the cavalry corps in letters of silver.

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[1] The word "and" does not appear in the coat of arms.

Article 2. The Decree of April 28, 1865, is repealed.

Article 3. This Decree shall have the force of law after September 15 of the current year.

Given in the Chamber of Sessions of the Legislative Power, National Palace, San Salvador, May 17, 1912.

F. VAQUERO, *President*.

JUAN MENA,
1st Secretary.
R. QUINTANILLA,
2d Secretary.

NATIONAL PALACE,
San Salvador, May 27, 1912.

Let it be executed.

MANUEL E. ARAUJO.

[Inclosure 2.—Translation.]

Description of the national insignia.[1]

INFANTRY STANDARD.

Length 1 m. 45 cm. Stripes 30 cm. each.

It will consist of three stripes, the upper and lower ones blue, and the central one, on which will be designed the coat of arms, white. The coat of arms will be in the center of the standard. In the upper stripe will be written in letters of gold the words: Dios, Unión y Libertad (God, Union and Liberty), and in the lower the class by number of each corps.

STANDARD FOR MOUNTED ARMS.

Length 60 cm. Stripes 15 cm. each.

It will consist of three vertical stripes, the right and left ones blue, and the central one, on which will be designed the coat of arms, white. In the upper part will be written the words: Dios, Unión y Libertad, and in the lower the class by number of each corps, in letters of silver for the cavalry and of gold for the artillery. The coat of arms shall be in the center of the standard.

FLAGS FOR VESSELS.

Length 1 m. 70 cm. Stripes 30 cm. each.

It will consist of three stripes, the upper and lower blue, and the central one, on which shall be designed the coat of arms, white. Flags and pennants on merchant vessels will not carry the coat of arms, and in the central stripe will be written in letters of silver the words: Dios, Unión y Libertad.

Government envoys to foreign countries will use this flag.

FLAGS TO BE RAISED (OVER BUILDINGS).

Length 2 m. 30 cm. Stripes 60 cm. each.

It will consist of three horizontal stripes, the upper and lower blue, and the central one white.

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[1] Transmitted to the American Minister by the Minister for Foreign Affairs, August 23, 1912.

TURKEY.

WAR BETWEEN TURKEY AND MONTENEGRO, SERBIA, BULGARIA AND GREECE.—PROTECTION OF AMERICAN INTERESTS.—GOOD OFFICES OF NEUTRAL POWERS.

File No. 767.70/16.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.—Extracts.]

American Embassy,
Constantinople, October 8, 1912.

The Chargé d'Affaires of Montenegro to-day presented a declaration of war to the Turkish Government, which has ordered immediate offensive action.

Rockhill.

File No. 767.70/24.

American Embassy,
Constantinople, October 10, 1912.

The Ambassadors of the European Powers to-day delivered to the Minister for Foreign Affairs a joint note.

Rockhill.

File No. 767.70/26.

American Embassy,
Constantinople, October 14, 1912.

The reply of the Turkish Government to the joint note of the Ambassadors says that the necessity for reforms in European Turkey had already been recognized, and that the Turkish Government expects to apply them without foreign interference; that if attempts at reform heretofore made have failed it is due to the disturbing machinations of agitators whose object is apparent; that the Turkish Government is grateful for the friendly intention of the Powers and will associate itself with them to avert conflict, and firmly intends to execute the law of 1880, although it doubts the binding force of Article 23 of the Treaty of Berlin when many other articles thereof have been carried out against the treaty's letter and spirit. The reply further says that it would be unjust to impute to the constitutional administration the faults of the old régime.

The Bulgarian Minister to-day delivered a note giving Bulgaria's peace terms: autonomy of the three Macedonian provinces; Swiss or Belgian governors general; elective provincial assemblies; gendarmerie; free education; milice; the application to be intrusted to Christians and Moslems in equal number in a superior council under supervision of the great Powers and the Balkan States through their representatives at Constantinople; these reforms to be put in force within six months and demobilization ordered as proofs of assent.

Rockhill.

File No. 767.70/33.

The American Minister to Roumania to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN LEGATION,
Bucharest, October 18, 1912.

To-day Servia declared war with Turkey.

JACKSON.

File No. 767.70/35.

AMERICAN LEGATION,
Bucharest, October 18, 1912.

War with Turkey declared by Bulgaria.

JACKSON.

File No. 767.70/37.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Constantinople, October 18, 1912.

War with Turkey declared to-day by Greece. The Ministers of Greece, Bulgaria, and Turkey have departed.

ROCKHILL.

File No. 767.70/44.

The Chargé d'Affaires of Greece to the Secretary of State.

[Translation.]

No. 4676.]

GREEK LEGATION,
Washington, October 18, 1912.

MR. SECRETARY OF STATE: Pursuant to orders from my Government, I have the honor to bring the following information to your excellency's notice:

The anarchy which is reigning in Turkey and which is so deeply disturbing the repose and security of the neighboring countries having become aggravated recently, the great Powers have deemed it necessary to take into hand the accomplishment of the reforms provided in article 23 of the Treaty of Berlin; in response to this most recent expression of the collective will of Europe, the Sublime Porte resorted to a procedure which has served it more than once; it declared that it would enforce important reforms both in Turkey in Europe and in the provinces of Asia, but that it does not believe that any foreign interference in the enforcement will be beneficial to the reforms. This promise of the Ottoman Government to enforce serious reforms itself met everywhere that distrust of which Count Andrassy spoke in his note of September 30, 1875; one of the chief causes of this distrust, which the former Chancellor of Austria-Hungary rightly said was deeply rooted, must be sought in the fact that more than one measure announced in the recent rescripts of the Sultan has been proclaimed without the lot of the Christians being appreciably improved thereby, and for 37 years events have abundantly demonstrated the correctness of this judgment. Therefore, the Royal Governments of Bulgaria, Greece, and Servia, being unable to tolerate any longer the sufferings of their countrymen in Turkey and a situation big with dangers for the future, had decided to ask an efficient supervision for the preparation and accomplishment of the only radical reforms capable of improving the miserable lot of the Christians, and the pacification of the peninsula of the Balkans. This last attempt, the moderateness of which stands in contrast to the provocative attitude of Turkey, which had without serious cause mobilized against the Balkan States, having failed, and the rupture of diplomatic relations having been ordered by the Sublime Porte, the Royal Governments of Bulgaria, Greece, and Servia found themselves obliged, to their great regret, to resort to the force of arms.

Greece being therefore in a state of war with Turkey, addresses to her a formal declaration in accordance with article 1 of the convention on the opening of hostilities of October 17, 1907. The purpose which she is pursuing in declaring war coincides with the interests of all civilized peoples, for the foreigners residing in the provinces whose permanent pacification is the object of the war can not help benefiting by this pacification under a reign of order, freedom, and progress. The interests of the citizens of all countries are sure to be protected, while material prosperity and intellectual development are certain to be the object of constant and enlightened solicitude. Therefore, the Royal Government believes that it may count on the sympathies of friendly nations, and it makes an urgent appeal to the Government of the United States not to refuse it its benevolent neutrality in the arduous task it has just assumed.

Please accept [etc.]

L. L. CAFTANZOGLU.

File No. 767.70/41.

The American Minister to Roumania to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Bucharest, October 21, 1912.

An urgent appeal to the United States not to refuse its benevolent neutrality has just been made by the Government of Bulgaria.

JACKSON.

File No. 767.70/41.

The Secretary of State to the American Minister to Roumania.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 30, 1912.

The request of Bulgaria conveyed in your telegram of the 21st is being considered. The Department's decision will be sent you by telegraph. Meanwhile you may say, if pressed for a reply, that this Government has not thus far found it necessary to make any further or more formal declaration of neutrality, in view of the comprehensive provisions of the Neutrality Act: see Revised Statutes, sections 5281 to 5291, both inclusive.

KNOX.

File No. 767.70/73.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Constantinople, October 31, 1912.

It is rumored that the Bulgarian army is rapidly approaching Constantinople. In anticipation of a possible serious defeat of the Turkish army, and the consequent danger of this city with the routed troops thrown back upon it unprotected by military and police (nearly all of whom are at the front) from looting and violence, even massacres, it was to-day resolved at a meeting of the Diplomatic Corps:

1. That strong representations be made in the name of the Corps by its Dean, urging that all necessary protective measures be taken to insure the safety of the lives and property of foreign residents.
2. That the members of the Corps recommend to their Governments the presence of foreign war vessels as the only measure, in their opinion, likely to insure safety of life and property of foreigners; that they further recommend a conference of their Governments to this end; that meanwhile the Dean secure permission for the passage of such vessels through the Straits and the Bosphorus.

ROCKHILL.

File No. 767.70/75.

AMERICAN EMBASSY,
Constantinople, November 1, 1912.

The Government has already taken certain steps for the safety of the city in pursuance of the representations made by the Diplomatic Corps.

ROCKHILL.

File No. 767.70/78.

AMERICAN EMBASSY,
Constantinople, November 4, 1912.

At request of Diplomatic Corps permission was granted yesterday for passage of warships to protect foreign life and property.

ROCKHILL.

File No. 767.70/83.

AMERICAN EMBASSY,
Constantinople, November 4, 1912.

The Turkish Government has asked for intervention of the Powers.

ROCKHILL.

File No. 367.11/7B.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

Department of State,
Washington, November 4, 1912.

The conditions at Constantinople described in your telegram of October 31 are naturally creating anxiety here. It is assumed that you would, if occasion arise, find it possible to arrange for extension by the naval forces of the friendly neutral Powers of adequate protection of such American citizens as can not be accommodated on the [station ship] *Scorpion.* There is no available American vessel nearer than our own shores.

Adee.

File No. 367.11/8.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

American Embassy,
Constantinople, November 5, 1912—2 p. m.

The Minister for Foreign Affairs assures me that adequate protection will be given our schools at Scutari and Robert College. I am investigating, through the captain of the *Scorpion* the measures taken by the Turkish authorities; if necessary I shall add to the protection with some of our sailors. The pupils in the schools, mostly of Greek and Bulgarian nationalities, are under the protection of Russia and France. The Americans have all been told where to take refuge in case of need. I hope to be able to protect them, but if necessary I will ask aid of neutral vessels. I consider it prudent to keep all Americans living in the outskirts as long as possible in Robert College. As we have no ships here I am not consulted by my colleagues, who have conferred as to plans for their own use.

Rockhill.

File No. 767.70/90.

American Embassy,
Constantinople, November 5, 1912.—7 p. m.

All of the Powers save one have accepted mediation and the Minister for Foreign Affairs believes that if mediation be made immediately it will prevent the possibility of the violence and anarchy that would result in case of a Turkish defeat and the disorderly entry of troops into the city. He therefore requested me to ask you to instruct our representatives at the capitals of the allied Powers in the interest of humanity to urge cessation of hostilities immediately.

Rockhill.

File No. 367.11/8.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 6, 1912.

Would announcement of intended despatch of an American war vessel strengthen your hands in facilitating adequate protection of American citizens and their interests? It would probably take a month for any vessel of our Navy to reach Turkish waters. If you deem it advisable to send one, what type of ship would you suggest? What destination?

ADEE.

File No. 367.11/12.

The American Ambassador to the Secretary of State

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Constantinople, November 7, 1912.

The measures I was taking when I sent my telegram of November 5, 2 p. m., have been substantially carried out and appear adequate, in conjunction with further possibility of refuge on British vessels here in case of need which my British colleague informs me can be given. Highly improbable duration of situation as long as a month. Six neutral vessels will arrive to-morrow; more later. City quiet. Unnecessary to announce intended despatch of an American war vessel.

ROCKHILL.

File No. 767.70/103.

AMERICAN EMBASSY,
Constantinople, November 8, 1912.

Yesterday the Minister for Foreign Affairs, and later the Grand Vizier, told the Ambassadors of the five Powers that the Sultan had decided to remain in Constantinople but disclaims all responsibilty for the safety of its inhabitants if the Bulgarians capture it. These communications were reported by the Ambassadors to their Governments in identic terms, without recommendations.

ROCKHILL.

File No. 367.11/28A.

The Acting Secretary of State to the Secretary of the Navy.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 8, 1912.

I have the honor, in pursuance of instructions that I have received from the President, to request you to be good enough to despatch two vessels with the least possible delay to the ports of Beirut and

Smyrna to protect or to give refuge to American citizens in case of antiforeign outbreaks there, subject, however, to any supplemental requests the American Embassy at Constantinople may make.

HUNTINGTON WILSON.

Approved.
WM. H. TAFT.

File No. 867.11/15A.

The Acting Secretary of State to the American Ambassador to France.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 8, 1912.

Hand to Minister for Foreign Affairs a letter substantially as follows:

"The Government of the United States, concerned over the possibility of chaotic conditions perhaps involving violence to foreigners and the safety of Americans in Turkey where large numbers of them are engaged in educational and missionary work, will despatch as soon as possible two naval vessels to the Mediterranean to proceed to Beirut and Smyrna, subject to change of orders by the American Embassy at Constantinople. The Government of the United States hopes that it will thus be able to share to some extent in any needed relief of foreigners in case of dangerous developments. My Government instructs me meanwhile to inquire whether it will be agreeable to your excellency's Government to issue to its Embassy at Constantinople and to the commanders of any ships that it may have in Turkish waters, such instructions as will insure protection to American citizens in Turkey in accordance with the dispositions deemed necessary by the Embassies at Constantinople, for the execution of which my Government must rely upon the Powers most intimately concerned with the political situation in the Near East.

The above instruction is sent also to London, Vienna, Rome, Berlin, and St. Petersburg, and is quoted to the Ambassador at Constantinople, who is instructed to confer with his colleagues with a view to securing in connection with the measures taken by the other Powers the fullest protection possible for Americans in the Ottoman Empire; and to telegraph to American consular officers in the Ottoman Empire, if the grounds for apprehension warrant that action, to warn American citizens of any real danger and inform them of measures taken.

WILSON.

File No. 867.11/41A.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 9, 1912.

Armored cruisers *Tennessee* and *Montana* sail November 12 at latest. Will arrive Smyrna about November 29 and Beirut about December 1, respectively.

WILSON.

File No. 367.11/16.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, November 9, 1912.

The Under Secretary in charge of Near Eastern affairs says that the British Embassy was instructed November 6 to extend protection in their discretion to Americans; he took note of your request of November 8 that commanders of British vessels in Turkish waters receive similar instructions.

REID.

File No. 367.11/17.

The American Chargé d'Affaires at Vienna to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Vienna, November 9, 1912.

The Acting Minister for Foreign Affairs assures me that his Government will gladly instruct its Embassy at Constantinople in the sense of your telegram of November 8.

FRAZIER.

File No. 367.11/18.

The American Ambassador to Russia to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, November 9, 1912.

A letter presented as directed in your November 8. A formal answer will follow. Minister for Foreign Affairs meantime says Russian officers have instructions to protect all foreigners in Turkey including Americans.

GUILD.

File No. 367.11/20.

The American Ambassador to Italy to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, November 10, 1912.

Minister for Foreign Affairs very cordially promised immediate telegram in the sense of your telegram of November 8.

O'BRIEN.

File No. 367.11/19.

The American Ambassador to Germany to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, November 10, 1912.

German Government cheerfully acquiesced in desire expressed in Department's telegram November 8 and appropriate instructions have been wired to Embassy at Constantinople including commanders of vessels and consuls.

LEISHMAN.

File No. 367.11/16.

The Secretary of State to the American Ambassador to Great Britain.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 11, 1912.

Convey to Minister for Foreign Affairs the gratification of this Government upon learning that its desires had been anticipated by the British Government in relation to protection of Americans at Constantinople.

KNOX.

File No. 367.11/28.

The American Ambassador to Great Britain to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, November 11, 1912.

The British Ambassador at Constantinople reports to the Foreign Office that arrangements have been made to accommodate bona fide American citizens at Constantinople in case of need on board H. M. S. *Weymouth;* protection at other ports is now being arranged for, and would be extended, as Sir Edward Grey understands, in conjunction with other Powers.

REID.

File No. 367.11/39A.

The Acting Secretary of State to the American Ambassador.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 11, 1912.

Treasury Department is holding at Port Said, subject to your Embassy's recommendations, the revenue cutter *Unalga*, to whose commander you will telegraph directly your decision in view of situation in Turkey.

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[1] The same to the American Ambassador to Russia. (File No. 367.11/18.)

WILSON.

File No. 767.70/107.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Constantinople, November 11, 1912.

Although six days have elapsed since the request for mediation the European Powers have not informed Turkey whether or not they accept or have taken steps to accept mediation, or have communicated with the Balkan States. The Minister for Foreign Affairs said to me to-day that if Europe fail him he may withdraw the request, and asked me whether in that case the United States would use its good offices to ascertain some basis for direct negotiations with the Allies—the advisability of which direct action I had suggested to him as a purely personal opinion. I replied that I could not forecast my Government's attitude, but that he might inquire through his Ambassador at Washington. I desire instructions in case of a renewal of this subject in conversation with the Minister.

The forces already here seem quite adequate to meet any emergency, about 2,000 men on the various vessels here.

ROCKHILL.

File No. 367.11/27.

The American Ambassador to France to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Paris, November 11, 1912.

Your November 8. Instructions in accordance therewith have been sent by the French Government.

HERRICK.

File No. 367.11/27.

The Secretary of State to the American Ambassador to France.[1]

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 12, 1912.

Make appropriate expression to the Minister for Foreign Affairs of this Government's appreciation of his assurances concerning protection in case of need to be extended to Americans in Turkey.

KNOX.

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[1] Repeated from Paris to Vienna, Berlin, and Rome.

File No. 367.11/40.

The American Ambassador to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Constantinople, November 12, 1912.

I have informed *Unalga's* commander that his services will not be required in Turkish waters.

ROCKHILL.

File No. 367.11/40.

The Secretary of State to the American Ambassador.

[Telegrams.—Paraphrases.]

DEPARTMENT OF STATE,
Washington, November 13, 1912.

Unalga will remain available at Port Said at least until arrival of a cruiser at Beirut.

For the Secretary:
ADEE.

File No. 767.70/107.

DEPARTMENT OF STATE,
Washington, November 13, 1912.

Your November 11. See telegram of October 4, 5 p. m., 1911,[1] by which you were instructed that it would be desirable to avert any formal request for the mediation of the United States between Turkey and Italy. I refer you to this telegram for guidance in the present situation and may add that to me it seems impossible that this Government should undertake, with any hope of service to the belligerents or of credit to itself, to mediate or to offer its good offices for the adjustment of questions that have so long been the particular solicitude of European diplomacy, questions that once more seem impossible of such a settlement as would satisfy the irreconcilable claims of the several interested Powers, who, even in the face of the grave risks of the present crisis, have found themselves unable to relinquish them.

KNOX.

File No. 367.11/55.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 16, 1912.

SIR: I have the honor to inform the Department of State that the U. S. S. *Brutus*, a naval auxiliary, will leave Norfolk, Va., about November 20th, or shortly thereafter, for Smyrna, Turkey, with coal and supplies for naval vessels in the vicinity. The *Brutus* will call at Gibralter en route.

Respectfully yours,

GEO. VON L. MEYER.

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[1] Not printed.

File No. 767.70/126.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.]

AMERICAN EMBASSY,
Constantinople, November 17, 1912.

The Dean of the Diplomatic Corps has just gone to advise the Minister for Foreign Affairs that, in view of the failure of the Turkish Government to state its opinion on the subject within the time agreed upon, the Diplomatic Corps has decided to land about 2,000 men to-morrow to protect the Embassies and Legations.

ROCKHILL.

File No. 767.70/145.

AMERICAN EMBASSY,
Constantinople, November 20, 1912.

The Turkish Government was informed yesterday by the Russian Ambassador that Bulgaria is willing to discuss suspension of hostilities and peace terms. The Turkish and Bulgarian commanders will meet to-day.

ROCKHILL.

File No. 767.70/147.

AMERICAN EMBASSY,
Constantinople, November 21, 1912.

The Allied Powers demand, as a further condition for the suspension of hostilities, the surrender of Janina and Durazzo. It is believed here that these very severe terms will not be accepted. The delegates will probably meet to-day. The Diplomatic Corps has been asked to return the land forces to the ships, but has decided to keep them on shore and will so inform the Government.

ROCKHILL.

File No. 367.11/29.

The Secretary of State to the American Ambassador.

No. 201.]

DEPARTMENT OF STATE,
Washington, November 21, 1912.

SIR: I enclose herewith, for your information and for the files of the Embassy, a copy of a letter[1] from the Navy Department, dated November 9, reporting that, at the request of the State Department, that war vessels be sent to Smyrna and Beirut, the armored cruisers *Tennessee* and *Montana* were ordered to prepare for the cruise and sail as soon as possible. The letter adds that the commander of the squadron has been directed to get into communication with the Embassy and to be guided by its suggestions as far as practicable.

I am [etc.],

P. C. KNOX.

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[1] Not printed.

File No. 367.11/77.

The American Ambassador to the Secretary of State.

No. 326.]

AMERICAN EMBASSY,
Constantinople, November 21, 1912.

SIR: Supplementing my despatch of yesterday[1] concerning the arrangements made for the protection of the foreign residents of Constantinople and their interests, I have the honor herewith to transmit a list[1] of the forces landed from the neutral war vessels now in the harbor in accordance with the decision of the Diplomatic Body, on the morning of the 18th instant. About 2,500 men have been debarked with some 26 guns.

I have [etc.]

W. W. ROCKHILL.

File No. 767.70/190.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, December 4, 1912.

SIR: I have the honor to quote for the information of the Department of State the following extract from a cablegram dated December 4, 1912, received from the Commanding Officer of the U. S. S. *Scorpion* at Constantinople, Turkey:

"Yesterday men reembarked."

Respectfully yours,

G. VON L. MEYER.

File No. 767.70/178.

The American Ambassador to the Secretary of State.

[Telegrams.—Paraphrases.—Extracts.]

AMERICAN EMBASSY,
Constantinople, December 4, 1912.

An armistice was concluded yesterday,

ROCKHILL.

File No. 767.70/187.

AMERICAN EMBASSY,
Constantinople, December 6, 1912.

It is believed that the peace conference will be held in London.

ROCKHILL.

File No. 767.70/188.

AMERICAN LEGATION,
Constantinople, December 8, 1912.

Turkey's delegates to the peace conference at London will leave here December 10.

ROCKHILL.

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[1] Not printed.

File No. 367.11/103.

American Embassy,
Constantinople, December 31, 1912.

The Consul at Saloniki has now accounted for the safety of all Americans in his district.

Rockhill.

VENEZUELA.

VISIT OF THE SECRETARY OF STATE TO VENEZUELA.

File No. 033.1100 K77/221.

The Minister of Venezuela to the Assistant Secretary of State.

[Translation.]

LEGATION OF VENEZUELA,
Washington, February 14, 1912.

MY DEAR MR. WILSON: I have read with the greatest interest your obliging and welcome note of yesterday[1] by which you impart to me the good news that by direction of His Excellency the President of United States the honorable Secretary of State, Mr. Knox, will visit Venezuela [etc.].

The idea is most praiseworthy and it affords me very great pleasure to inform you that I have received cablegrams from the President of Venezuela, General Gómez, and the Ministry of Foreign Relations instructing me to express to the Department of State the delight with which the announcement of the visit was received in Venezuela.

The President of Venezuela, as well as the whole Government, and the city of Caracas, are even now making preparations to receive their distinguished guest with all the regard and attentions that are due to him.

I beg you to inform His Excellency the President of the United States and the Honorable Mr. Knox.

Wishing to know in due time the exact date of the Secretary of State's visit to Venezuela, and also wishing that he may stay in Venezuela as many days as possible, which will give my country great satisfaction,

I renew to you [etc.]

F. EZEQUIEL ROJAS.

File No. 033.1100 K77/98a.

The Acting Secretary of State to the American Minister.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, March 12, 1912.

The Secretary and party will arrive at La Guaira March 22 and proceed the same day to Caracas. They will depart via Puerto Cabello March 25.

WILSON.

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[1] The identic letter printed under Panama: "Visit of the Secretary of State to the Republics of Central America and the Caribbean Sea," p. 1240.

Speech of Dr. Márquez Bustillos, Governor of the Federal District, at the Municipal Council, Independence Hall, Caracas, March 23, 1912, in welcoming Mr. Knox.

EXCELLENCY: The municipality and the people of Caracas, in the name of whom I, as Governor of the Federal District, have the honor to address you, feel great and singular pleasure in welcoming you to this spot, a place of cherished remembrances in the struggles which form our political history. In you we greet the illustrious statesman who brings us as a pledge of friendship words from the country of the immortal Washington, he who was, and with justice is called, "the first in peace, the first in war, the first in the hearts of his countrymen."

While thanking your excellency for the honor you confer upon us by your visit to the Government and to the municipality of the Federal District, we pray for your personal happiness and for that of all the persons of your distinguished party, and hope that the impressions which you take away upon parting may be pleasant and lasting.

Reply of Mr. Knox.

EXCELLENCY: I had not known until I entered this hall, sacred not only to the liberty of Venezuela but to all of Latin America, that the great honor was to be done to me of permitting me to speak in this distinguished presence. It would be a cold heart that would not throb with the highest emotions standing in this sacred place. This noble scene, depicted upon canvas in the background, is a reenactment of one in our own history that is sacred to every American, be he a North or South American, because, after all, we were but a short time before you in our aspirations for liberty and in our declaration of independence. Your excellency has been kind enough to wish that my sojourn among you should be pleasant. I am frank to say that in the short time that we have been upon your hospitable soil one act of kindness has crowded another act of kindness so rapidly that one's vocabulary of gratitude and appreciation is inadequate to meet such a splendid ovation. I wish to proceed from this hall, dedicated to the holy cause of liberty, with my suite to the adjacent park and there lay, as an evidence of the appreciation of the American Government and the American people, a wreath at the foot of Bolívar, the great Liberator of the South.

Remarks of Mr. Knox upon placing a wreath at the foot of the statue of Bolívar in Caracas, Venezuela, March 23, 1912.

MR. MINISTER: In the name of the people and of the President of the United States I beg to lay this token of appreciation, respect, and veneration at the foot of the statue of the great Venezuelan Liberator.

[Remarks of Mr. Matos, Minister for Foreign Affairs, were extempore and not taken.]

Speech of His Excellency Don Manuel A. Matos, Minister for Foreign Affairs of Venezuela, at a banquet given to Mr. Knox at Miraflores, March 24, 1912.

Mr. Minister: I comply with the instructions of the President of the Republic to tell you that your presence amongst us is regarded with the greatest satisfaction by the Government and people of Venezuela. Upon selecting you to visit these countries in its name your Government has furnished fresh evidence of the friendly interest which they inspire, tending thus to strengthen the bonds which bind us to the country of Washington and Lincoln.

Your visit, Mr. Minister, must further serve to make better known in your country the conditions of vitality of our own, thus accentuating sentiments of mutual respect and consideration and developing at the same time on a larger scale our commercial relations. It is a further step in the fruitful work of Pan-Americanism which our Liberator sought to accomplish in his beautiful conception of the Congress of Panama and which the United States is supplementing with a perseverance worthy of the genius of your noble race.

A principal factor of this union of the peoples of America so necessary to the high aims of human progress will be the opening of the Panama Canal, which will not only bring nearer the East and the West, uniting the two oceans, but which will also draw closer together the republics of South and Central America and the great Republic of the north, giving a new and vigorous impulse to civilization resulting from the interchange of the products and ideas of all the regions of the world.

Venezuela, being situated on the route to Europe, will be one of the nations most benefited by that colossal work of American endeavor from which we perceive a new element of progress which will permit us to develop further the sources of our natural wealth and to better show our characteristics of nationality on the American union.

Mr. Minister, the blood of your compatriots watered the foundations of Venezuelan independence and the recognition of our country has been perpetuated in monuments which you will have occasion to see at Maracay and Puerto Cabello. This is a further cause for the regard of the Venezuelan people for the American people, a regard which we have no doubt must be strengthened as a result of your visit because of the high authority and representation with which you are invested and because of your remarkable merits as a statesman.

Gentlemen, in the name of the President of the Republic, I invite you to drink to the prosperity of the American people, to the happiness of their President, His Excellency Mr. Taft, and to the hope that His Excellency Mr. Knox and his honored family, during their brief stay amongst us, may have reason only to be truly pleased and that they may take from our country as pleasing and lasting impressions as we shall have to retain of them.

Reply of Mr. Knox.

Mr. President and Gentlemen: It is indeed fortunate for me that the burdens and responsibilities of the office I hold are tempered by the enjoyment of privileges and advantages which would not otherwise have been within my reach. Not the least of these is the opportunity now vouchsafed to me of coming among you, my fellow countrymen of the Western World, with a message of fraternal good will from the Government and people of the northern Republic. I prize this privilege beyond measure, and the more so as in this historic land, favored by nature to be the fitting cradle of the new birth of occidental empire under the proud Castilian banner of its first explorers, I feel myself among friends. The obstacles of distance, of diverse ancestral origin, and of dissimilar language disappear with the warmth of your greeting. The Saxon North and the Hispanic South meet as associates in the common cause of progress and peace, alike devoted to the common duty of promoting the good will and the mutual confidence and esteem which draw the democratic commonwealths of America into relations of true brotherhood.

The auspicious occasion of my present visit is the proximate opening of the great canal. This stupendous work, the dream of centuries, since Balboa first trod the solitudes of Darien, is far more than a commercial enterprise. It is a great humanitarian achievement, fraught with endless possibilities of good for all the nations of the continent. It opens an avenue by which the peoples of the eastern and western coasts of the northern and southern continents are brought into closer relation. The barrier of ages becomes the highway of the future, not for the devastating advance of conquering hosts but for the beneficial movement of progress and development, in which Venezuela can not but take an important part. The diversion of a vast share of the commerce of Europe and America to the new channel must necessarily bring benefit to the neighboring countries. The already intimate intercourse of my country with yours can not retrograde. The volume of incoming and outgoing commerce between Venezuela and the United States is now relatively larger than that between Venezuela and any other nation. Good will and mutual confidence will make it actually larger. It is to the interest of Venezuela that it should increase. The augmentation of the exports of a vast and as yet but partly developed country like yours is a stimulus to the expanding development of its natural resources and the growth of economic prosperity. The increase of its imports is the natural reflex action due to domestic prosperity. It is, indeed, an index of national well-being. Moreover, advancement of home interests makes for the material and moral uplifting of the country and is the surest step to the firm assurance of domestic peace and stable government, which all good citizens desire and for which they should strive whole-heartedly.

In coming to you with an earnest message of peace and good will, I am especially mindful of the historical fact that the political and traditional sympathies of the United States and Venezuela are in singularly close accord. If we have our Washington, you have your Bolívar, happily styled by Henry Clay as the Washington of the South, who bore upon his breast during his life the miniature of Washington, presented to him through Lafayette in 1825, more proudly than he wore the insignia of rank, a sentiment you have respected and recorded upon the imperishable and noble statue erected to Bolívar's memory. Bolívar was the pioneer in the noble work of upbuilding, in the northern region of South America, a free commonwealth like ours of the North; and I can not forget that the vast territory which Bolívar liberated embraced the broad reaches of the Caribbean and the Pacific, including the very Isthmus through which we are now, as appointed agents for the benefit of all the Americas and of all the nations of the earth, opening a world highway. Bolívar, his noble work achieved, regarded the isthmian barrier with regretful eyes, feeling in his great heart a keen longing for the accomplishment of the century-old dream of Latin America that the Atlantic and Pacific might in time be joined by a pathway through the land whose freedom he had won. It was one of the objects brought before the Pan-American Congress of Panama in 1826, but the intelligent, although fruitless and perhaps premature, efforts of your great Liberator failed to mold the project into practical shape. Let us believe that the spirits of Bolívar and Washington are sharing our mutual felicitations over the approaching realization of the unparalleled task, and inspiring us all, Venezuelans and Americans alike, with the glad resolve to know each other better, to strengthen the ties of mutual confidence that happily exist between us, and to give lasting expression to that sentiment of disinterested helpfulness which moves the two peoples to live in amity and essential harmony, each rejoicing when more of peace, of prosperity, of happiness, and of security comes into the life of its brother people.

Farewell speech of Mr. Knox to His Excellency Don Juan Vicente Gómez, President of Venezuela, March 25, 1912.

Mr. President: In saying good-by to you I wish to repeat that which we have tried to say to you again and again and which we feel most sincerely and deeply, and that is that you have our profound gratitude for all of the acts of kindly courtesy and hospitality that you have shown us since we have been in your Republic, and we shall carry home with us everlasting recollections of satisfaction, pleasure, enjoyment, and profitable observation. For my entire party I wish to emphasize the depth of our appreciation.

I have been asked especially, Mr. President, by the representatives of the American press who have accompanied us upon this journey to say to you for them, and with as much sincerity as I have endeavored to express my own feelings, that they rest under the deepest debt of gratitude not only for the comforts, recreations, and pleasures you have given to them, but for the particularly personal touch that you have given to every courteous act of hospitality of which they have been the recipients.

I will say good-by, and I hope to have the pleasure of seeing you again.

Address of welcome of Señor Don Santiago González Guinán, President of the State of Carabobo, delivered at Valencia, March 25, 1912, by the Comandante in the name of the State Executive.

Your Excellency: It would have been a pleasure to the government of the State and also to the people of Valencia to present its respects and demonstrate its sympathy with you by a feast of greater splendor, but your rapid transit through the city scarcely affords us sufficient time to offer this glass of champagne in the station park and without other ornaments than nature's green foliage and the blue dome of a tropical sky, and this is possible only through the consent of your excellency to stop a moment in spite of your limited time.

In thus affording me, through your courtesy, the opportunity of carrying out in this way the part of the program assigned to me by the Government of Venezuela in connection with your visit, I take occasion, moved both by my personal feelings and the natural impulse of the moment, to impress upon your mind the sincerity with which I drink to the welfare of your wife, the lasting memory of your trip, the reciprocal cordiality of Presidents Gómez and Taft, and, lastly, to your great country, which as a unique instance in history has attained to a conquest of rights without shedding of blood and which, in the midst of the wonderful development of its civilization, fully meets the aspirations of the human race in the unparalleled progress of its democratic institutions. Your excellency's health.

Reply of Mr. Knox.

Mr. Comandante: No program of entertainment that you might have devised for me, and I know how well Venezuelans do devise their programs of hospitality, could have made a deeper impression upon me than the one I see before me, namely, the sight of so many strong men and so many beautiful ladies. You have voiced a wish that my visit in Venezuela should have been a pleasant one. We have not only had days and hours of pleasure, but one pleasure has crowded another so rapidly that it is almost literally true that every moment of time that we have spent in your beautiful country has found us to be the recipients of the most kindly hospitality, of the best of good cheer not only from your officials and those who may have been designated by the Government to extend to me a welcome, representing as I do the people of the United States, but I am glad to say that I have been able to read in the faces, and looking into the eyes of all the people of Venezuela, a welcome which I shall never forget.

I beg to propose the health, the happiness, the peace, and the prosperity of the Republic of Venezuela and its generous, hospitable, and kindly people.

Speech of Señor Don José Felipe Arcay, Collector of Customs at Puerto Cabello, Venezuela, March 25, 1912.

Your Excellency, Ladies and Gentlemen: While greeting you in the name of the National Government which I represent, in my own, and in that of the high public officials who accompany me, it is most pleasing to say that the honor you confer upon us by your visit is a source of true satisfaction which we duly appreciate, not only because we consider it a special demonstration of sincere friendship for our Republic, but also because it is the first time that an American Secretary of State has visited our country bearing with him true ideas of American unity, strengthening and making more friendly, if possible, the cordial relations existing between your Republic and ours.

The sincere welcome you have received and the demonstrations of deference of which you have been the object by the Chief Magistrate of the nation, by all the important persons of his Government, and by the people in general, are unmistakable proofs that we have been impressed with your visit, which greatly honors us. We are certain that with your clear judgment you will be able to appreciate the progressive advance which our industries, our agriculture, and in general all the branches constituting our territorial riches are making under an era of peace wisely founded and maintained by the modest and equally patriotic citizen who guides the destinies of the Republic, General Juan Vicente Gómez.

You have been able to observe, despite the briefness of your stay among us, the good will which animates the Chief Magistrate of the country toward all that tends to its aggrandizement, and in effect he is taking measures to the end that the proximate opening of the Panama Canal will find Venezuela in a truly prosperous condition, so that we may advance our great commercial interests.

We drink, therefore, to the country of Washington and to its worthy representative.

Reply of Mr. Knox.

Mr. COLLECTOR: It will be a pleasing message, sir, that I will be enabled to carry to the President and people of the United States as the result of my visit to Venezuela. President Taft conceived in his mind that because of the early opening of the Panama Canal the relations of the United States to our neighbors on the littoral of the Caribbean Sea must necessarily be closer and more intimate. He believed that if he would send to you that officer of the Government of the United States who is charged with the duty and responsibility of our relations with foreign governments, the more intimate, direct, and personal acquaintance would be an advantage not only to us but he hoped also to them; and when I return I can cheerfully say to the President, and through him to the people of the United States, that in the great Republic of Venezuela from the moment my foot first touched its shores until the moment when I said to you my last farewell there has been nothing but kindness and hospitality, not only upon the part of the people but upon the part of your President, to whom you have referred, and who has been kindness itself to us all.

File No. 033.1100 K77/181.

The President of Venezuela to the President.

[Telegram.—Translation.]

MARACAY, VENEZUELA, *March 25, 1912.*

Great has been my gratification and that of the Venezuelan people in receiving the visit of Mr. Knox, who bears to you my most sincere wishes for the happiness of the American nation and for your personal welfare.

PRESIDENT GÓMEZ.

File No. 088.1100 K77/128.

The Minister of Venezuela to the Acting Secretary of State.

[Translation.]

LEGATION OF VENEZUELA,
Washington, March 26, 1912.

SIR: It affords me pleasure to enclose in this note a copy of the cablegram I have received from the Minister for Foreign Relations of Venezuela, and I beg you to have that copy laid before His Excellency the President of the United States.

At the same time I cordially felicitate myself and the American Government on the very happy impression made on my country by the Honorable Mr. Knox's visit and the mutual benefits that will no doubt flow from it.

I gladly [etc.]

F. EZEQUIEL ROJAS.

[Inclosure.]

The Minister for Foreign Relations to the Minister of Venezuela.

We have just taken leave of Secretary Knox. You will say to President Taft that Mr. Knox leaves with us pleasurable impressions and that it is our wish that our relations with that great nation may grow more and more cordial.

MATOS.

File No. 088.1100 K77.

The President to the President of Venezuela.

[Telegram.]

THE WHITE HOUSE,
Washington, April 1, 1912.

I am delighted to learn that Secretary Knox was received with such marked cordiality in Venezuela and to assure Your Excellency of my fervent hopes for your continued prosperity and that of Venezuela.

WM. H. TAFT.

File No. 088.1100 K77/128.

The Acting Secretary of State to the Minister of Venezuela.

No. 39.]

DEPARTMENT OF STATE,
Washington, April 3, 1912.

I have the honor to acknowledge the receipt of your note of the 26th ultimo, transmitting a copy of a cablegram from the Minister for Foreign Affairs in regard to the visit to Venezuela of the Secretary of State, and requesting that it be laid before the President.

In reply I beg to say that I have taken pleasure in conveying the communication of Señor Matos to its high destination.

Thanking you for your note and its enclosure, and with cordial reciprocation of the friendly expressions which they contain,

I avail [etc.]

HUNTINGTON WILSON.

File No. 022 1100 K77/166.

The Minister of Venezuela to the Secretary of State.

[Translation.]

LEGATION OF VENEZUELA,
Washington, April 18, 1912.

EXCELLENCY: I have the honor to offer to your excellency my congratulations on the sentiments of American fraternity which inspired your recent visit to some of the countries on our continent and especially on the very good impression created in Venezuela by your excellency's visit.

The pleasant remembrance of that visit will ever be treasured in my country as a new bond of friendship that must strengthen more and more the cordial relations existing between the Venezuelan nation and the great Republic of the United States.

I avail myself [etc.]

F. EZEQUIEL ROJAS.

File No. 711.81/100.

Message of the President of Venezuela to the Congress at the opening of its ordinary session, April 19, 1912.

[Extract.]

Recently we were visited by Mr. Philander C. Knox, Secretary of State of the United States of America. He came as a representative of the First Magistrate of that great Republic. We received him with cordiality and sincere affection, and with a solemnity befitting the high office with which he was invested. The Government of Venezuela and all the social, political, and industrial bodies gave to this visit the importance which distinguished it.

For my part, I must declare that I have never entertained the slightest suspicion regarding the sovereignty of Venezuela. In the history of our relations with the great Republic of the North I find sincerity and benevolent collaboration; so that the visit of His Excellency Mr. Knox, on the eve of the inauguration of the Panama Canal, destined to draw toward the central part of America the mighty commercial current of the world, I consider as a cordial tightening of these important relations.

File No. 711.81/101.

Speech of the President of the Chamber of Deputies at the opening of the ordinary session, April 19, 1912.

[Extract.]

Among these official labors are most in evidence the sumptuous festivities of our Centenary of Independence, a solemn declaration to the world of the deep feeling common to the people and Government, neither of which fears but on the contrary both hoping much from the rapprochement with other countries and the most liberal interchange with all the nations of the world.

The most expressive accentuation of this sentiment has been the cordial reception extended to that illustrious statesman, Mr. Knox, Secretary of State of the great northern sister Republic. He must have felt, in the very home of Venezuela, in the midst of the freest hospitality, that the idea of nationality lives and thrives in the soul of the nation.

File No. 033.1100 K77/166.

The Secretary of State to the Minister of Venezuela.

DEPARTMENT OF STATE,
Washington, April 25, 1912.

SIR: I have the honor to acknowledge the receipt of your note of the 18th instant in which you offer your congratulations to me on the sentiments of American fraternity which inspired my recent visit to certain of the Latin-American countries, and especially the good impression created thereby in Venezuela.

Thanking you for your courteous note, I have the honor to say that the cordial reception I met with in your country will always be most agreeably recalled by me and it cannot fail to promote the good relations between the two Governments which we both sincerely desire to be strengthened.

Accept [etc.]

P. C. KNOX.

File No. 033.1100 K77/180.

The American Minister to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Caracas, April 27, 1912.

In the annual message of the President to the Congress, delivered to-day, is a most cordial reference to your visit here and to the relations of the two countries. It was enthusiastically received.

NORTHCOTT.

INTERNATIONAL CONFERENCES AND CONGRESSES HELD IN THE UNITED STATES.

NINTH INTERNATIONAL RED CROSS CONFERENCE.

Held at Washington, D. C., May 7–17, 1912.

[Report of the proceedings filed in the Bureau of Rolls and Library, Department of State.]

TWELFTH INTERNATIONAL CONGRESS OF NAVIGATION.

Held at Philadelphia, Pa., May 23, 1912.

[Report of proceedings filed in the Library of Congress, TC 5 15, 1912f.]

EIGHTH INTERNATIONAL CONGRESS OF APPLIED CHEMISTRY.

Held at Washington, D. C. and New York, N. Y., September 4–13, 1912.

[Report of proceedings filed in the Library of the Bureau of Chemistry, Department of Agriculture.]

INTERNATIONAL CONFERENCE ON MINE EXPLOSIONS.

Held in connection with the above Congress at Pittsburgh, Pa., September 14, 1912.

[For report of proceedings see Bulletin No. 82, Bureau of Mines, Department of the Interior.]

NINTH INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

Held at Washington, D. C., September 16–October 5, 1912.

[For report of proceedings see U. S. Bureau of Education Bulletin 1913, No. 18, Whole No. 528.]

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